



Report

2020:1



Those who cannot stay

Implementing return policy in Sweden

Those who cannot stay

Implementing return policy in Sweden

Henrik Malm Lindberg

Report 2020:1



Delmi report 2020:1

Order: www.delmi.se

E-mail: ju.delmi@regeringskansliet.se

Printed by: Elanders Sverige AB

Stockholm 2020

Cover: Ruben Rubio, Free-Photos, Pixbay

ISBN: 978-91-88021-47

We promote the opportunities of migration by running a project co-financed by the
Asylum, Migration and Integration Fund

Foreword

Many asylum seekers have come to Sweden during the last decades. However, since the year 2000 over 300 000 people have been denied asylum and have received a decision to return. It is not surprising that the issue of return migration has received a great deal of attention in the public debate. Even if it is hard to tell with certainty how many have returned, data from the Swedish Migration Agency show that around 60 percent of the decisions have been enforced. The legislation concerning the issue is clear, the person who has had their asylum application rejected will have to return within a given time frame. Both the ruling parties as well as the opposition parties have stressed the importance of having decisions enforced to a higher degree. How is it then that the difference between ambition and turn-out is so striking in the area of return policy?

The issue of return is relatively unexplored within academia and existing research often has the migrant as the core of analysis. Few academic studies examining the issue have done so from a perspective of governance and implementation. While this Delmi-report approaches the issue with a broad perspective, it pays special attention to questions of implementation and in doing so contributes to new and relevant understandings of the matter. The following questions have guided the analysis: How does the implementation of return policies work in practice in Sweden today? What does the burden sharing look like between the responsible actors, primarily the Police and the Swedish Migration Agency, but also other agencies and public actors that meet returnees? What obstacles stand in the way of a successful implementation?

This study is the first in a series of studies on return migration that Delmi will be publishing. In the forthcoming part two of the series, the focus is shifted to those who have returned, their experiences from the process of expulsion and reintegration, and the support systems in the countries where rejected asylum seekers are sent to. This report is a translation of the previously published Delmi-report 2020:1

“De som inte får stanna: Att implementera återvändandepolitik”. The translation of this report and its publication was funded by the Asylum Migration and Integration Fund (AMIF).

The report is authored by Henrik Malm Lindberg, research coordinator at Delmi and Associate Professor at Uppsala University. Constanza Vera Larrucea, research coordinator at Delmi, has assisted in the formulation of the purpose and research problem as well as the methodological framework of the study. Constanza has also contributed to the collection of quantitative and qualitative data such as interviews and statistics. In addition, she has been responsible for the data processing and has assisted in the authoring of the policy recommendations. The project was initiated by Caroline Tovatt, Deputy Head of Secretariat, with support from Iris Luthman. Research coordinators André Asplund and Sara Thalberg have held responsibility over the internal review. Delegation member Åsa Carlander Hemingway has throughout the process contributed with valuable insights. Linus Liljeberg and Raoul Galli have done data processing and proof reading. The report has also received contributions in the form of transcription and proof reading from Delmi’s interns: Simone Msghina, Eleonor Nakunzi, Freja Skytt, Amanda Wenzer, Jens Willgård and Emelie Woodhouse.

The report and project has had a reference group consisting of the following members: Chair Åsa Carlander Hemingway (member of the Delmi board and Head of unit at the Migration Agency), Simon Andersson (Uppsala university), Mikaela Eriksson (Ministry of Justice), Sepideh Erfani/Helena Wihlborg (Stockholm City Mission), Martin Johansson (County Administrative Board in Stockholm), Arja Kallo (Stockholm City), Marie-Anne Karlsson (National Board of Health and Welfare), Viveca Kittredge/Carina Bindzau, (The National Association of Guardians for unaccompanied children RGMV), Åsa Petersson (Border Policing section NOA), Eva Qvarnström (Prison and Probation Service Transport Service NTE), Kjell-Terje Torvik/Kristina Rännar (the Migration Agency) and Caroline Tovatt (The Migration Studies Delegation).

The report has been reviewed by external researchers. Sara Kalm (Associate Professor in Political Science) and Anders Sannerstedt (Professor in Political

Science), both from Lund University, acted as opponents at the internal scientific seminar. At a later stage, the report has been reviewed by Grete Brochmann (Professor in Sociology at Oslo University) and Jonas Hinnfors (Professor in Political Science at the University of Gothenburg). Initial findings from the report has been presented at a couple of conferences and seminars, namely: ETMU in Åbo (November 2018), Svenska Historikermötet in Växjö (May 2019), IMISCOE in Malmö (June 2019), and OECD Workshop (December 2019). The author is fully responsible for the report's contents including its conclusions and recommendations.

Stockholm, January 2020

Joakim Palme

Chair, Delmi

Kristof Tamas

Director, Delmi

Summary

Over the past two decades, Swedish authorities have decided on more than 300 000 returns, an average of almost 20 000 per year. Most of these decisions were taken in the later part of this period. All of those who have not been permitted to stay are expected to return voluntarily, but we know from experience that many do not do this. At the political level, issues concerning return policies are said to be prioritized in appropriation directions and through various legislative efforts and other initiatives. Against this background, this Delmi report aims to examine the work with return from a governance and implementation perspective.

The main research question for the study is: Why is there such a large discrepancy between goals and outcomes in the area of return policies? This discrepancy has to do with how instruments of governance are used in the implementation of these policies. This report is based on around 40 semi-structured interviews with officials and front-line bureaucrats, i.e. people in the field, at the Swedish Migration Agency, the Police and the Ministry of Justice, as well as other public agencies and civil society organizations. Several observations and phenomena have been systematized by using interviews, compiling internal reports and other documentation from relevant public agencies and Government inquiries.

The analysis is built on an implementation model with three questions in focus: How to build *an understanding*, *an ability* and *a willingness* to implement return policy? The point of departure is that the authorities charged with implementing the objectives set by politicians for efficient, legally certain and humane return are characterized as ‘street-level bureaucracies’. At these public agencies, front-line bureaucrats create their own procedures and methods to handle their tasks, while also being governed by rules and the constitutional state’s ideal of equal treatment.

The results of the study show that return issues in themselves contain significant conflicting objectives that are difficult to manage. One such conflict exists between the three values that are supposed to permeate return policy, namely efficiency,

legal certainty and humanity. The goal of efficient return in terms of many and swiftly enforced decisions (preferably on a voluntary basis) must be set in relation not only to the other two goals, but also to objectives in other political areas – such as rapid entry to the labour market. The goal of swiftly enforced decisions in the area of returns often must take a back seat to other goals.

The starting point is that people who are in an asylum process can be expected to not only want to stay in that country, but also to have little confidence in those agencies that have a different mission. The mission and intention of the agencies is to refuse entry and to expel people with legally binding rejection decisions and irregular migrants from the country. This is to be done as quickly and (cost-)effectively as possible, but also under humane and legally certain forms. The constitutional state's ideal of the right to individual assessment and that humanitarian considerations should also apply in this area constitute a certain inherent restriction on the effectiveness target. Yet the authorities organize their work around the goal of voluntary return, which means lower costs for both the individual and for society, as well as a less traumatic experience for all parties. It is therefore preferable that individuals with return orders return voluntarily after arranging the necessary travel and identity documents and that they are complaisant and accommodating throughout the process. In exchange, financial assistance is offered in the form of various types of return support, in-kind or cash assistance. When neither carrots nor sermons help, there is the stick, in the form of detention and assistance enforcing the decision from the Police and the Swedish Prison and Probation Service's Transport Service. The tools and policy instruments used, in the form of sticks, carrots and sermons, which are meant to provide incentive to return and not to remain in the country, are not always effective.

The asylum process contains several different tracks and possibilities that send signals through the system that a no is not always a no. The possibility of changing tracks, including the possibility of appealing, offers a new chance to get to stay in the country and is linked to the policy's objectives concerning entry to the labour market. The signal from society that you are permitted to work and can then get a second chance, simultaneously creates an expectation of being permitted to stay.

The opportunity to argue impediments to enforcement, including the possibility of appealing, is instead a way of meeting the need for legal certainty in the asylum process. Regularization, getting a new chance at assessment, is an opportunity that has chiefly arisen in response to the increasing number of irregular migrants living in hiding. These regularization decisions are usually made from humanitarian concerns toward a marginalized group living under difficult conditions.

In addition to this, return is considered and treated as a low-status task at the agencies responsible for the issues. Although the area may have been prioritized in appropriation directions in recent years, it is not given the same attention by the agencies' management. This is illustrated in both staffing and resource allocation, something that would certainly affect officials and front-line bureaucrats in the expected direction.

In summary, the findings show that return policy has considerable challenges to deal with. These challenges especially concern the conflicting objectives, the fact that these activities are not always prioritized at the two agencies with primary responsibility, and finally, that policy concerning returns is not always consistent. In addition, the surrounding factors are also not directly favourable, which means that the policy tools used are met with effective counterstrategies.

Sammanfattning

Under de senaste två decennierna, 1999–2018, har svenska myndigheter fattat beslut om mer än 300 000 återvändanden, knappt 20 000 per år i snitt varav det stora flertalet under den senare delen av perioden. Alla dessa människor som inte har fått stanna förväntas återvända frivilligt, men vi vet av erfarenhet att en stor andel inte gör det. På politisk nivå sägs återvändandefrågorna vara prioriterade i regleringsbrev och genom olika lagstiftnings- och andra initiativ. Mot denna bakgrund syftar denna Delmi-rapport till att undersöka återvändandefrågorna från ett styrnings- och implementeringsperspektiv.

Huvudfrågan för undersökningen lyder: Varför är diskrepansen mellan mål och utfall så pass stor på återvändandeområdet? Den handlar om hur styrmedel utnyttjas i politiken. Empiriskt bygger rapporten på ett 40-tal semistrukturerade intervjuer med tjänstemän och frontbyråkrater, alltså personal på fältet, inom Migrationsverket, Polisen och Justitiedepartementet, men också andra offentliga myndigheter samt civilsamhällesorganisationer. Med hjälp av intervjuer, insamlade interna rapporter och andra underlag från berörda myndigheter samt offentliga utredningar har en rad iakttagelser och fenomen systematiserats.

Analysen har byggt på en implementeringsmodell med tre frågor i centrum: Hur förstå, kunna och vilja genomföra återvändandepolitiken? Utgångspunkten är att de myndigheter som ska genomföra de målsättningar som politiker ställt upp om ett effektivt, rättssäkert och humant återvändande kännetecknas av att vara ”Street-Level bureaucracies”. Där skapar frontbyråkraterna egna rutiner och sätt att arbeta för att hantera sina uppgifter samtidigt som de också är styrda av regler och rättsstatens ideal av likabehandling.

Resultaten från undersökningen visar att återvändandefrågorna i sig innehåller väsentliga målkonflikter som är svåra att hantera. En sådan konflikt finns mellan de tre värden som ska genomsyra återvändandepolitiken, nämligen effektivitet, rättssäkerhet och humanitet. Målet om ett effektivt återvändande i termer av mån-

ga och snabbt verkställda beslut (helst på frivillig basis) måste ställas i relation till de andra båda målen, men också till mål på andra politikområden – såsom snabb etablering på arbetsmarknaden. Målet om att verkställa fattade beslut på återvändandområdet får ofta stå tillbaka för andra mål.

Utgångspunkten är att de som befinner sig i en asylprocess kan förväntas att verkligen vilja stanna i landet och deras förtroende för de myndigheter som har ett annat uppdrag kan förväntas vara litet. Myndigheternas uppdrag och intention är att av- och utvisa de med lagakraftvunna avslagsbesked samt irreguljära migranter från landet. Detta ska ske så snabbt och (kostnads)effektivt som möjligt, men också under humana och rättssäkra former. Rättsstatens ideal med rätten till en individuell prövning samt att humanitära hänsynstaganden ska gälla också på detta område utgör i sig en viss restriktion för effektivitetsmålet. Men den målsättning som myndigheterna jobbar utifrån är frivilligt återvändande, vilket innebär lägre kostnader för både individen och för samhället samt en mindre traumatisk upplevelse för alla parter. I första hand vill man således att individer med återvändandebeslut ska återvända frivilligt efter att ha ordnat med erforderliga rese- och identitetshandlingar samt varit tillmötesgående under processen. I utbyte erbjuds ekonomisk hjälp i form av olika slags återvändarbidrag, in-kind (i natura) eller monetära bidrag. När varken morötter eller predikningar hjälper så finns piskan där i form av förvarstagande och assistans från Polisen och Kriminalvårdens transportenhet för att verkställa beslutet. De verktyg och policyredskap som används i form av piskor, morötter och predikningar och som ska ge incitament att återvända och inte stanna i landet, lever inte upp till önskvärd nivå.

Asylprocessen innehåller många olika spår och möjligheter som skickar signaler genom systemet att ett nej inte alltid är ett nej. Spårbytesmöjligheten, inklusive möjligheter att överklaga spårbytet, erbjuder en ny chans att få stanna och hör ihop med politikens mål om etablering på arbetsmarknaden. Signalen från samhällets sida om att man får arbeta och då får en andra chans, skapar samtidigt en förväntan att få stanna. Möjligheten att anföra verkställighetshinder, inklusive möjligheter att överklaga, är snarare ett sätt att tillgodose behovet av rättssäkerhet i asylprocessen. Regularisering, att få en ny chans till prövning, är en möjlighet som företrädes-

vis uppstår som ett svar på att gruppen irreguljära migranter växer i omfattning och lever gömda. Skälen till de regulariseringsbeslut som fattas brukar då vara humanitet gentemot en åsidosatt grupp som lever under svåra villkor.

Därutöver är det tydligt att återvändande betraktas och behandlas som en lågstussyssla hos de myndigheter som ansvarar för frågorna. Området må prioriteras i regleringsbrev under senare år. Men det röner inte samma uppmärksamhet hos myndighetsledningarna, vilket illustreras i både personalförsörjning och resursfördelning, något som torde påverka tjänstemän och frontbyråkrater i förväntad riktning.

Sammanfattningsvis visar våra resultat att återvändandepolitiken har åtskilliga utmaningar att hantera. Inte minst gäller det de målkonflikter som finns på området, att verksamheten inte alltid prioriteras på myndigheter med huvudansvar och att politiken på återvändandeområdet inte alltid är konsekvent. Därutöver är de omgivande faktorerna inte heller direkt gynnsamma, vilket gör att de policyverktyg som används bemöts med effektiva motstrategier.

Table of Contents

Summary.....	vii
Sammanfattning.....	xi
1. Introduction.....	1
1.1 System logic and study problem statement	3
1.2 Purpose and outline.....	8
1.3 Current state of research	9
1.4 Return on the Swedish political agenda	26
2. Method and material.....	31
2.1 A qualitative study.....	31
2.2 Perspectives and limitations.....	32
2.3 Selection and data collection	33
2.4 Terminology used in the study.....	35
3. Laws and rules concerning refusal of entry and expulsion in Sweden	39
3.1 Legislation and responsibility concerning refusal of entry and expulsion during the 1900s	40
3.2 Grounds for refusal of entry and expulsion from Sweden.....	45
4. Return in numbers – how many and in what forms	53
4.1 Irregular migration in the EU and in Sweden	53
4.2 Collecting and categorizing data on return	54
4.3 How many return from Sweden? The Swedish Migration Agency report.....	56
4.4 Police statistics on enforcement cases.....	59
4.5 How many cases are written off?.....	61
4.6 Return per geographic region.....	63
4.7 Return of minors	64
4.8 Goal vs. reality: Decided and enforced cases	67
4.9 Differences between nationalities:Three cases	70
4.10 Conclusions	72
5. Understanding how to implement	75
5.1 Communication back and forth.....	75

5.2 How are the goals of the policy understood?.....	77
5.3 Conflicting goals and goal prioritization	80
5.4 The causal logic – voluntary return but how?.....	93
5.5 Summary conclusions	98
6. The ability to implement.....	103
6.1 Division of responsibilities and cooperation between the actors.....	103
6.2 Resources and capacity	108
6.3 Differences in routines and working methods	113
6.4 Knowledge and skills.....	116
6.5 Summary conclusions	123
7. Willingness to implement.....	127
7.1 The implementer's motivation.....	127
7.2 External actors' potential to influence	132
7.3 Conclusions	139
8. Results and conclusions.....	141
8.1 How does one cope with the mission?	143
8.2 A double mission and a low-status job	145
8.3 Interaction with the surrounding environment.....	145
8.4 A no that isn't always a no.....	146
8.5 Authorities' strategies met by counterstrategies	148
8.6 Cooperation between different actors: what works and what does not work?.....	149
8.7 Is the glass half-empty or half-full?	150
9. Policy recommendations.....	151
Interviews and discussions.....	154
References.....	157
Appendix I Return statistics	179
Appendix II Sweden's bilateral return agreements.....	181
Appendix III Data categorization.....	183
Appendix IV The 14 most common nationalities in the Migration Agency's expulsion decisions.....	185
Appendix V Return cases 1999–2018, twelve most frequent nationalities	187
List of previous publications.....	188

Figures, diagrams and tables

Figure 1. Factors affecting the decision to return.....	16
Figure 2. Cassarino's model for return preparedness.....	20
Figure 3. Chart of stages in the asylum process.....	46
Figure 4. Passive and active support and sanctions for returnees	94
Diagram 1. Number of granted resident permits in Sweden, 1999–2018	56
Diagram 2. Number of return cases, 1999–2018.....	57
Diagram 3. Percentage of decided return cases, 1999–2018.....	58
Diagram 4. Number of enforcement cases received by the Police, 2000–2018	60
Diagram 5. Cases enforced by the Police, 2007–2018	61
Diagram 6. Written-off return cases, 1999–2018.....	62
Diagram 7. Return cases broken down by geographical origin of applicant, 1999–2018.....	63
Diagram 8. The six largest nationalities among return cases, 1999–2018	64
Diagram 9. Return cases for minors, 1999–2018.....	65
Diagram 10. Return for minors – geographical origin, 1999–2018.....	66
Diagram 11. Number of return cases for unaccompanied minors, 1999–2018	67
Diagram 12. Migration Agency: Discrepancy between decided and enforced cases, 1999–2018.....	68

Diagram 13. Police: Discrepancy between received/enforced cases, 2007–2018.....	69
Diagram 14. Return cases, nationals of Iraq, 2009–2018.....	70
Diagram 15. Return cases, nationals of Afghanistan, 2009–2018.....	71
Diagram 16. Return cases, nationals of Somalia, 2009–2018.....	72
Diagram 17. Number of in-country checks, 2007–2018.....	134
Table 1. Analytical framework for efficient implementation of returns.....	31
Table 2. Residence permits for labour market for people with denied asylum applications 2009–2018.....	86
Table 3. Impediment to enforcement cases, 2006–2018.....	88

1. Introduction

Sweden has long been known for its generous reception of asylum seekers in relation to many EU and other comparable countries. Every year, many people come to Sweden to seek asylum, but not all have asylum-based or other grounds for a permit and are therefore not permitted to stay. In 2018, fewer than 34 percent of applicants had their applications approved. The individuals whose applications are not approved are expected to return and start over in their country of origin after a failed migration project, most often in a country with difficult living conditions. At the same time, various Swedish agencies must collaborate to plan and implement a return that – in addition to being *efficient* – must also be *legally certain* and *humane*. These three targets or values are present in appropriation directions, other governing documents and relevant investigations and commissions of inquiry into migration policy and the asylum process, including return issues.¹ The majority of the empirical material and the analyses in this report will touch upon what might be called the “efficiency in the system”. However, also legal certainty and humanity are policy goals that shall be met, and these will also be addressed. This is important to clarify from the outset and it also constitutes the basis for several of the conflicting objectives that emerge in the report.

In 2016, then Minister for Home Affairs, Anders Ygeman, stated that about 80 000 asylum seekers with rejection decisions would be refused entry or expelled from Sweden over the next few years and that enforcement efforts would be prioritized.² The Migration Agency and the Police were instructed by the Swedish Government to achieve these results, primarily by motivating and offering help to the returnees, but even using coercive measures if necessary. Three years later, the goal is still far from being reached.

An important motive for this study is that the issues surrounding return have not been adequately addressed in previous research and the knowledge base is there-

fore insufficient.³ The existing research on return often takes as its starting point the individual asylum seeker whose application has been denied and who is now in a return phase. The research has seldom been based on a system perspective, with focus on the work that agencies and other actors do, and on the challenges that they face. In the public debate, great attention is given to integration measures for the asylum seekers who have been permitted to stay. The large group that is forced to return due to decisions by the authorities have received markedly less coverage.

Both debate and research on return have often been based on a moralistic and humanitarian perspective, not least after the large influx of refugees in 2015. More rarely has the issue been investigated from a governance and implementation perspective where other questions are usually asked: How are decisions implemented in the administrative link of the chain – in this case the return policy? What are the obstacles for a successful implementation? We approached this subject against a backdrop of some pre-identified problems. First and foremost: few decisions are enforced; many people do not leave the country voluntarily. Given that legislation in this area is clear, that politicians, such as in the above case, emphasize the issue, and that there is a great number of policy instruments used, the main question for the study is: Why is there such a large discrepancy between goals and outcomes in the area of return policies?

Issues concerning return and how states should handle irregular migrants, i.e. migrants who are not seeking asylum or who abscond after their asylum application has been assessed and denied,⁴ and who under Swedish regulations are not entitled to be in Sweden, have risen high on the political agenda in Sweden and in the EU (European Commission 2017, 2018). The question is also relevant considering the emergence of so-called 'parallel societies' of large and growing groups of irregular migrants who often live in insecure and vulnerable conditions. This problem area has multiple dimensions as well as unresolved tensions between humanitarian, migration policy and welfare policy considerations. In addition to this, the issue of return is politically controversial – which is illustrated, among other things, in the problems researchers in the field may encounter during the research process (see section 2.2).

1.1 System logic and study problem statement

In order to ask relevant questions, one must reflect on the logic of the system. What do we know about the driving forces of different actors and what outcomes can we expect? Is there a more fundamental reason why the agencies in charge struggle when getting people to return voluntarily? In the current state of research (section 1.3), we return to how earlier research has addressed the discrepancy that seems to exist between set goals and actual outcomes in the area of returns.

The asylum seekers' primary goal is to get to stay in the country and be granted a residence permit. These individuals live in a state of uncertainty and suspense during the asylum process and many have described it as being torn between hope and despair. Their existence is largely shaped by contacts with the agencies, in which the Migration Agency is the most important. Many asylum seekers are unhappy with their situation in the country. This is due both to experiences from their journey to Sweden and their time spent while waiting in the reception system. Not least, many may harbour suspicion towards the authorities handling the asylum process. The outlook of those whose residence permit applications are rejected becomes more negative and they can be expected to have little confidence both in other people and in the authorities handling the process (Esaiaasson and Sohlberg 2018:89–102).

The situation of irregular migrants is characterized in many ways by their lack of legal rights to stay in the country. Swedish citizens and others with residence permits are often invited, or even ordered, to interact with society's institutions in order to, for example, take advantage of social benefits or make use of their democratic rights. But for the irregular migrants, such interaction involves a major risk of being exposed (Sigvardsdotter 2016:142). The opportunities of these individuals concerning work, housing and self-sufficiency are likewise limited by their status as irregular.

From the perspective of the Swedish agencies, and the Migration Agency in particular, it is desirable that people with legally binding (non-appealable) refusal of entry or expulsion decisions, return voluntarily after having arranged the necessary travel

and identity documents. At the same time, it is expected that they show themselves available and cooperative. If they do not return voluntarily, there is the threat of being expelled from the country by the Police. This is often perceived as inhumane by those subjected to the coercive measures and is furthermore costly. Return is, in other words, an area of policy in which there is a latent but powerful conflict of objectives between those governing and those who are subject to various legislative measures.

Just a glance at the return statistics (see Diagrams 2 and 3) over the past few decades is enough to indicate that the existing system fails in getting people with rejection decisions to return. This brings us into a discussion on how, and with what tools, the agencies are governed or steered.

Managing returns – how instruments of governance are wielded in public policy

Governance is – in the simplest terms – about trying to influence others to behave in a certain way and is an expression for decision makers' ambitions to exert change in various sectors of society. Because individuals do not always behave in the desired manner, public authorities are faced with a dilemma. The task is to attempt to use policy instruments to promote societal goals – in this case more effective return. Thus, a successful governance process can be something that controls individual people as well as part of the exercise of power over them (Hall & Löfgren 2006:9–10).

Public power has many instruments and tools at its disposal to deal with return issues. These encompass several different areas of policy and are meant to exert influence through several types of mechanisms. A brief example: Through so-called re-establishment support, the state gives economic incentives to achieve the desired behaviour, i.e. voluntary return. Through the Migration Agency's return dialogues, the state attempts to exert influence through information and persuasion in order to achieve the desired behaviour. Through detention, the state uses coercive measures to, as a last measure, persuade the detainees to accept their return deci-

sions. Sticks, carrots and sermons⁵ are used with the expectation of being able to influence the behaviour and thus the outcome.

The policy instruments used have different strengths and weaknesses. But none of them guarantee that the actions of those involved will change, or that the outcome will be the desired one. This is partially due to the great and increasing complexity of the field. Public power has many parts, as well as different administrative levels, that do not always pull in the same direction. Even if the authorities use their tools and instruments appropriately, the outcome will be affected by the actions of other non-governmental actors. There are also structural factors, sometimes inaccessible to public power, that throw a spanner in the works for implementers.

Finally, it is worth pointing out that some return cases are harder than others since research shows the difficulties in convincing a person to return to a country that is perceived to be dangerous. It is rather natural that people want to avoid going back to places where they feel to be in danger or insecure. But at the same time the state can judge that same place to be secure enough, and possible to return to. How do you handle such differences in opinions? The implementer must, in such cases, motivate a decision that is at odds with what the returnee views as a safe place to return to.

Implementation of decisions – understanding, ability, willingness

The implementation of decisions or policy is a field traditionally approached by public administration researchers. The area is vast and encompasses many different traditions, approaches (top-down, bottom-up) and schools of thought. Implementation is about why intentions and decisions among governing bodies are not always put into practice and do not always achieve the intended goal (Sannerstedt 2001:28).

Mazmanian and Sabatier (1983) argued that the task of implementation research is to identify which factors are crucial to realizing the set goals. A total of 17 variables were identified, which were in turn sorted into three groups:

- a) The manageability of the problem
- b) Whether the decision can be considered governing for the implementation
- c) External factors that could have an influence.

In the aftermath of the early implementation studies, ‘checklists’ were often drawn up with the prerequisites that had to be met in order to achieve success (Löfgren 2012). These include Hogwood and Gunn (1984), who gave a long list of recommendations for successful implementation: To have no insurmountable external constraints that affect the implementer’s job; to allocate adequate time and sufficient resources; to have a required combination of resources at the right time; to base the political decisions on an accurate causal understanding of goals and means; to have the dependency relationship as little as possible; to specify the correct sequence of tasks; to ensure perfect compliance and communication between those involved, etc. The authors acknowledge that all these prerequisites will probably never be present simultaneously and therefore perfect implementation is rare. However, the checklists can still serve as a clarifying function when there is little – or great – chance of success.

An early framework was outlined by Van Meter and Van Horn (1975). They used organizational theory to show the complex and dynamic relationships that exist between many different, mutually independent, variables. They pointed out that implementation is successful when the organization has enough *capacity* for its task, *knows* what it should do, i.e. clear and explicit decisions, and *wants* to complete the task. About the same aspects have also been elegantly expressed by Lundquist (1987:76–78):

- Does the implementer *understand* what is to be implemented?
- Is the implementer *able* to implement the decision?
- Does the implementer have the *will* to implement the decision?

Implementation research has pointed out that the executor, the person who will implement, is not a homogeneous entity. Vedung (1998:180) has chosen to divide

this up into four parts or levels: authorities, intermediaries/interorganizational networks, front-line bureaucrats and user involvement. This study has focused on representatives for the agencies that are tasked with managing returns. The analysis is an attempt to categorize officials in decision-making positions that can be said to represent the authority, distinguishing these from the front-line bureaucrats who work on a more operational level.

We assume in the study that the affected agencies and their staff can be characterized as ‘street-level bureaucracies’. This expression, coined by Michael Lipsky (1980), basically means that employees in lower-level posts (grassroots level) who have direct contact with the clients find themselves in a position between client and authority. These front-line bureaucrats in the field (teachers, police officers, social workers, etc.) have a great deal of freedom to independently shape the policy in practice. By interpreting regulations and political decisions, they can thereby take over much of the implementation of the decisions that are made. In close interaction with “clients”, whether these are pupils, patients, asylum seekers or irregular migrants, the front-line bureaucrats establish their own routines and working methods to manage their jobs. It is essential that they have the space to formulate (their own) interpretations of how the assignment should be carried out. Set against the constitutional state’s ideal that every individual should be treated equally in each situation, is the need to treat each situation in the exercise of one’s profession in a unique and customized way. Finally, front-line bureaucrats must manage resource shortages and difficult prioritizations, which in turn often causes their actions to be questioned (Lipsky 1980; Löfgren 2012:9). Earlier Swedish research has characterized both the Police (Hydén & Lundberg 2004; Hansson 2017) and the Migration Agency (Rosén 2010) as ‘street-level bureaucracies’, i.e. with the characteristics that such authorities and front-line bureaucrats have.

To further complicate things, much of the research (see, for example, Vedung 1998:189 and Winter 1994) points to the risk of unilaterally focusing on individual actors or actions. A system perspective is needed to understand the area and be able to draw a comprehensive picture because the outcome could also be due to policies or initiatives in other areas that either strengthen or weaken the return policy.

Analysis charts and frameworks are rarely able to fully capture the complexity in a process, but they do have the advantage of being able to give structure to a study. We have chosen to proceed based on Lundquist's three conditions (understanding, ability, willingness) for how the implementer can successfully implement policy or decisions and develop them further in each of the empirical chapters 5–7 and methodologically in section 2.1.

1.2 Purpose and outline

At the core of the study is the question of how return policy is implemented in the execution phase, that is, by the front-line bureaucrats and officials who are tasked with carrying out the assignment. One point of departure is the discrepancy between set goals and outcomes in the policy. The aim is to use collected empirical evidence (interviews), relevant governing documents for various public agencies and previously published studies and evaluations to systematize some observations on how return policy works based on a framework constructed from implementation research. What are the main characteristics of Swedish return policy and the return system? Which actors have defined roles and how do they interact with each other? What are the obstacles and opportunities for implementing these policies?

The report is arranged as follows: First, we will put the study in its context, that is, the current state of research in relation to the return issues and how these issues have been dealt with politically (sections 1.3–1.4). We then describe our method, our material and the terminology used in the study in Chapter 2.

Chapter 3 is a more descriptive chapter about how the system itself is designed, who the main actors are, and which laws, rules and regulations underlie refusal of entry into and expulsion from Sweden. In Chapter 4, quantitative data is used to illustrate who and how many people return from Sweden, and in which forms. A brief estimation is also provided of the number of irregular migrants in Sweden and the EU.

In the next stage, the implementation of return policy is analysed in three empirical chapters. This analysis is largely based on the analysis framework presented in section 2.1. Chapter 5 examines the more direct governance, that is, the content of the

policy, and the implementer's control mechanism. Chapter 6 deals, among other things, with the knowledge and capacity that the implementer needs to possess to implement the policy and achieve the expected targets. Chapter 7 directs focus to the characteristics of the implementer and how different external actors can influence policies enacted in this area. Chapter 8 presents the conclusions and results of the study. The concluding Chapter 9 contains policy recommendations.

As always in scientific contexts, several demarcations have been made. All dimensions of return policy are not addressed. In implementation research, external factors and circumstances that affect the work are sometimes mentioned. It is also clear that many circumstances in the receiving country, such as the security situation and the authorities' willingness and ability to cooperate in receiving their own returning citizens who do not want to return voluntarily, has a significant impact. These aspects lie mainly outside the scope of this study.

By setting up and carrying out the study from an implementation perspective, and with the actors and source material we have chosen, we have not brought in the perspective of the returnees, that is, of those who are covered by the policy and for whom the decision has been made to return from Sweden. Another demarcation has been to not compare Sweden with other countries. Many implementation studies are based on a specific decision or a reform to be implemented in public administration, but this study does not focus on any individual decision or reform. The aim is instead to study the design and implementation of return policy more in its entirety.

1.3 Current state of research

The international field of research

International return research has many different branches and perspectives as well as broad diversity in terms of both theoretical and empirical research. A range of positions can be found among researchers, from strongly critical schools of thought to more neutral stances in relation to the area in question. There are, for example, discourse analytic studies overlapping with various empirically oriented fieldwork. A great deal of literature examines policy in connection with return, how returnees

cope with reintegration in the destination country, how they cope in the country from which they are turned away, and the state of their mental and physical health during the process. The breadth of the research and the many perspectives make it difficult to draw even a reasonably accurate picture of the area. This compilation attempts to reflect the breadth of the field while placing emphasis on the issues and themes touched upon and addressed in the report.

‘Deportation studies’ and ‘deportation regimes’

Research on irregular migration in Europe began to emerge in the 1970s. What is often called ‘deportation studies’ was initiated in the early 2000s as a branch of migration research and in the borderlands of the emerging field of security studies. It was asserted then that this aspect of the migration or asylum process was far less explored than other parts. The researchers in the field generally have a critical approach to the phenomenon being studied, namely the refusal-of-entry and expulsion process. At the core of the criticism is that both legislation and the practice of the authorities consistently lead to violations of the migrants’ human rights. The migrants are subjected to varying degrees of force, structural violence and marginalization by the authorities in question (Coutin 2015:671; Feldman 2012; DeBono, Rönqvist & Magnusson 2015:24b; Drotbohm & Hasselberg 2014).

The prevailing practice for those working with empirical methods in this genre is to carry out field studies to examine the process by which people are refused entry or expelled. Interviews are often conducted with migrants, with representatives of the agencies tasked with executing refusals of entries or expulsions, and with NGOs. The fact that the researchers, most often, proceed based on the migrants’ perspective does not prevent an examination within the field of the consequences at the macro level as well. That is, the impact of refusals of entry and expulsions, and the practices that are applied in these, on society at large and on the actors involved (Drotbohm & Hasselberg 2014:552–553).

Through both country-based and comparative studies, researchers, often belonging to the critical school of thought, have examined which structures create different implementation models, so called ‘deportation regimes’ for refusal of entry and expulsion. This clearly illustrates the contradiction between the states’ right to

control their borders and the human right to migrate. A growing ‘securitization’ – a linking of migration with different kinds of security threats – of asylum administration in the EU has been called for in order to move from an ‘integration regime’ to a ‘deportation regime’ (Peutz & De Genova, 2010). The literature on deportation regimes points to how this securitization has come to characterize governments’ work with migration and to how issues related to security and law enforcement are increasingly being linked with immigration (Peutz & De Genova, 2010:2).

According to Gubert (2014), the emphasis on return, rather than integration, is hardly a new trend in Europe. As early as the 1970s, the economic crisis led countries such as France and Germany to focus on getting migrants to leave the country instead of integrating. Until 2014-2015, Sweden had not moved in the aforementioned direction but instead went under the designation of *Swedish exceptionalism* (Borevi, 2014). The situation changed when the authorities were unable to cope with the large number of asylum seekers, and both the discourse and the policy moved towards what the research refers to as a deportation regime.

Migration policy and implementation problems

Migration policy is an area characterized by huge implementation problems. Not meeting migration policy goals is more of the rule rather than the exception, and this seems to apply across time and space. The literature on ‘the gap hypothesis’, formulated early on by researchers such as Cornelius, Martin and Hollifield (1994), has pointed to the gap between what governments aim to do and what they actually achieve. The list of political failures is long, and examples can be drawn from numerous Western countries. The interesting question is thus not if there are discrepancies between goals and outcomes, but rather how this phenomenon can be measured, understood and explained (Cornelius & Tsuda 2004:4).

There are several reasons for the difficulties associated with migration policy and the fact that goals are rarely met. First and foremost are the factors associated with the migration process itself, globalization and the gap between the affluent North and the impoverished South. But in addition to these, Castles (2004:212–216) has pointed out that several domestic factors in the receiving country can also affect the outcome. These include conflicts of interest between different groups, the political

desire to control migration, the actions of civil society and, finally, the significance of the migrants' rights that are recognized by liberal democracies (Hollifield 2008). The failure to meet migration policy goals may also have something to do with the fact that the means used can lead to goal attainment in theory, but in practice have diametrically different consequences. One example is stricter border controls that in many cases do not at all lead to lower immigration but instead increase the significance of human smugglers and furthermore lead to irregular migrants staying in the country when the possibility of return is limited (Cornelius & Tsuda 2004).

Strategies and counter-strategies

There are numerous studies on how policy is implemented in the area of return. This is a branch of a larger body of literature on 'migration control' – states' attempts to control the flow of migrants – that emerged during the 1980s and 1990s (Joppke 1988; Guiraudon & Lahav 2000). This type of research has, among other things, pointed to how irregular migration began to be considered problematic and a threat to important societal values in large parts of Europe during the 1990s and 2000s (Koser 2005).

The basic logic is that states use a number of means to attempt to track, identify, and (in various forms) remove irregular migrants from their territory, and that migrants, on the other hand, attempt to avoid being removed. When migrants refuse to return voluntarily, the states react by threatening coercive measures – and in a later stage these coercive measures are enforced (Noll 1999). The states have thus attempted to implement different measures for control, monitoring and identification. This leads to the exclusion of irregular migrants from opportunities to access the labour and housing markets, as well as various social systems, in order to support themselves and live irregularly in the country. Yet the states also need to be able to identify individual so that these can be returned to their home countries (Broeders & Engbersen 2007:1593–1594). While assisted return is the most desirable option among decision makers, detention and expulsion appear to be the key tools used by authorities to reduce the number of irregular immigrants (Scalettaris & Gubert, 2018:2; EMN, 2014).

There are a number of reasons behind the difficulty of meeting the policy objectives. Chetail (2014) has listed several reasons and at the core of his argument is that the constitutional state's ideal of the right to individual assessment and humanitarian considerations lead to high costs for refusal of entry and expulsion. The strategies are also limited in that there seem to be problems with the implementation itself in the field. The interaction and information exchange that need to take place among front-line bureaucrats is hindered by various communication difficulties – information tends to be distorted both within and between agencies – and because different actors interpret laws and rules in different ways (Borrelli 2018a).

Yet another factor is that staff working with enforcement feel that their job is often a thankless and emotionally charged task. One of the coping strategies used is to turn a blind eye to certain facts in order to make the work bearable (Borrelli 2018b). An interesting finding from Hansson (2017) is that, unlike social workers, police officers who deal with difficult refusal-of-entry and expulsion cases, such as unaccompanied minors seeking asylum, can cope without adverse mental health effects. An important explanation for this is that police officers in the field utilize their scope for action and feel that they are doing what is best in an otherwise difficult situation. In doing so, this group can handle the seemingly contradictory demands for efficiency and dignity in the process. This can in turn be since police officers and social workers have different goals. The Border Police guarantees the security of the country whereas social workers guarantee the integrity and well-being of individuals. Therefore, the task can be harder for social workers with their duty to fulfill individual needs.

The authorities' strategies have also been answered with counterstrategies on the part of the irregular migrants. First and foremost, large smuggling networks, usually on a commercial basis, have emerged. These networks assist with travel, information dissemination and documentation to enable travel to Europe. Well-established and extensive informal markets and systems have emerged to make it easier for the irregular migrants to support themselves and stay in the country. So-called 'bastard institutions' have been built up around under-the-table labour and lease contracts, fake identity documents and sham marriages, often developed by the irregular migrants in collaboration with their resident compatriots and domestic citizens. The authorities have the difficult – if not to say impossible – task of controlling this (Broeders & Engbersen 2007:1595–1597).

An important component of return policy is correctly identifying the individuals. Name, country of origin and age must be confirmed by an existing register in order to be able to plan the return trip. Without a confirmed identity, enforcing the decision becomes extremely problematic. The research also points to the difficulties encountered by authorities in different countries due to the increasing alertness among irregular migrants of the ‘importance of not being honest’ (Broeders 2009:878). By giving a false identity – or no identity at all – the refusal-of-entry or expulsion process can be significantly delayed or even stopped altogether. Such information spreads quickly from smugglers and other parts of the migrants’ networks to those affected (Money & Lockhart 2018:49–50). Studies from various countries also suggest that the problems associated with identification have become increasingly more pronounced. Estimates in the Netherlands and Germany indicate that nearly 90 percent of the asylum seekers do not have any valid identity documents to present (Broeders 2010:179; Ellermann 2008:171–174; Engbersen & Broeders 2009:878).

When states such as Sweden try to implement return policy, they may need to cooperate with the countries of origin. Under international law, each nation is obligated to receive their own citizens if they are refused entry to or expelled from another country, in the same way that a citizen is entitled to return to their home country (Chetail 2014). Ellermann (2008:170–171) notes that states most often do not refuse entry to people with valid identity and travel documents, but that many countries still dragged their feet when it came to provide such documents.

One way to solve this problem is by so-called readmission agreements, which are entered both bilaterally and multilaterally. The logic is that a formal agreement can form the basis for better operative cooperation concerning return. What are the results of such agreements? For the agreements to be properly implemented, the incentives for the countries taking back their citizens need to be strong. Arguments are often presented for *not* receiving their own citizens, because the country can then lose valuable remittances and also incur expenses for reintegrating returnees (Ellermann 2008:171; Money & Lockhart 2018:50–51). When Fafo, a Norwegian Union Confederation-founded social science research foundation, conducted an effectiveness study of Norway’s readmission agreements with Russia, Iraq

and Ethiopia, they found that the agreements with the first two of these nations increased the number of returnees – both forced and voluntary. The success was found to be due to the receiving country having its own willingness and capacity to implement the agreements (Sønsterudbråten et al. 2016).

The question of what effect different coercive measures have on different groups of irregular migrants has also been addressed. Does placement in a detention centre, for example, have a deterrent effect on those placed there? First, it is conceivable that people who are detained will be more willing to cooperate with the authorities, particularly when it comes to the issue of identity (Broeders 2007; Ellermann 2008). Second, it is possible that detainees will choose to voluntarily leave the country after the detention period is over to avoid ending up there again.

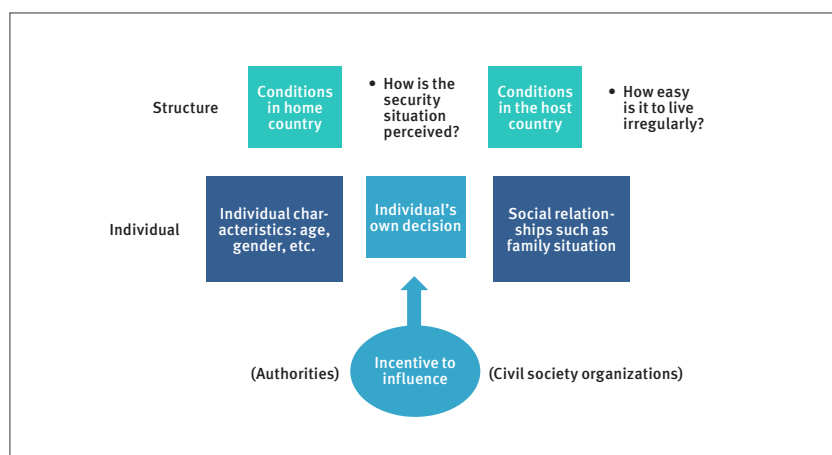
Ethnographic studies, such as the one conducted by Hasselberg (2014:481), suggest that individuals placed in British detention centres clearly perceived that the purpose of this was to get them to leave the country – and many who were repeatedly detained also felt that they were ‘broken down’ and finally agreed to go home. The findings of Leerkes & Kox (2017) indicate that placement in detention centres in the Netherlands has a deterrent effect for some categories of migrants. Those who became more disposed to return to their country of origin were mainly those who had come to work, while those who had come seeking asylum or to join family members were not affected. Another observation was that those who had been detained and actually returned generally had a greater acceptance for the return decision in itself and for the legitimacy of the (asylum) process.

It should also be noted that there is a diametrically different way of dealing with irregular migration. Broeders and Engbersen (2007:1596) point out that regularization is an alternative strategy for gaining control of this situation. In regularization, the receiving country grants residence permits to people in the country without permission, usually after a special new assessment. Although decision makers have often expressed an unwillingness to use such instruments, arguing, for example, that it lowers the incentive to comply with applicable laws and can also attract more migrants to the country, this measure is popular. Data from research on regularization indicates that the policy instrument is often used among EU Member States and has increased in the 2000s (Frykskog 2018; Levinson 2005).

The desire and the decision to return

An important theme in return research that has great bearing on this Delmi report concerns the desire or the willingness to return, both in general and more specifically among those who have received a refusal-of-entry or expulsion decision. The difference between this theme and the critical school of thought is that this research is closer to the actual policy design in this area. Here, the researchers have attempted to identify which factors make individuals more willing or less willing to return, and which types of programs, methods and ways of working influence individuals in this direction. One result is that the return decision should first be understood as a complex process in which the migrants seem to take many different factors into consideration and seldom return because of one single reason (Cassarino 2004; Lietaert 2016).

Figure 1. Factors affecting the decision to return



Source: Koser and Kuschminder 2015, own processing

Koser and Kuschminder (2015) argue that the decision to return is influenced by conditions in the home country and the receiving country, individual characteristics of the migrants, and social relationships (see Figure 1). Some factors can be influenced by political decisions, while others cannot. Sønsterudbråten (2018) identifies the situation in the home country as decisive for the return decision. There is

something of a consensus in the research regarding the safety situation as having a significant impact on the decision (Black et al. 2004).

The security situation can be problematized further. Goodman et al. (2015), for example, point out that it is not only the actual danger of returning that plays a role, but also the migrant's perception of the danger or insecurity returning would entail. The security situation is also the argument used by asylum seekers to justify why they cannot return to their home country. In doing so, they not only express that they actually have legitimate grounds for asylum, but also substantiate their own identity as a person in need of protection. They thus distance themselves from the group with illegitimate reasons to stay, that is, economic migrants and 'fortune-seekers'.

When compiling experiences from 22 countries an EMN report (2011), emphasizes the importance of resources in the return itself and the opportunities individuals have access to become part of their old homeland again. Øien and Bendixsen (2012) addressed the question of how the decision-making process looked when asylum seekers with rejected applications chose to return to their home country. Which opportunities existed in this case for housing, work and education were part of the assessment the migrant made when deciding whether or not to return. Koser and Kuschminder (2015) also named the desire that many returnees have to be reunited with their families as a reason to want to return.

The situation in the receiving country, that is, the country where asylum has been sought in, is a determinant that, according to Sønsterudbråten (2018:66) has several aspects. An important question is the role the economic situation plays in inducing people to return. Can voluntary return be encouraged by removing or reducing the economic benefits or social rights one receives? An important body of literature is based on concepts such as 'opportunity structure of illegal residence'. This research says, in short, that the greater the opportunities one has as an irregular migrant to find housing and livelihood through under-the-table work or financial support, the easier it is to continue living irregularly in the host country. When it becomes more difficult to work without permission, it becomes harder to support oneself and the incentive to return voluntarily increases (Øien and Bendixsen 2012).

The risk of forced repatriation can also be significant. Research based on register data in Norway reveals that as the rate of forced repatriations increases, the likelihood of voluntary return increases among those who lack residence permits and who will be refused entry or expelled. Spatial proximity seems to be the factor that above all determines whether a person is influenced by seeing or becoming aware that others have become forcibly repatriated. Migrants in the same housing facility are substantially influenced in the expected direction, while it does not seem to have a greater or lesser effect when the forced repatriations are carried out, for example, on one's own compatriots. Initially, there is also another effect, namely that more people abscond. However, this effect appears to be weaker (Sønsterudbråten, 2018:70–74; Oslo Economics 2016:4).

There are further studies indicating that the fear of being detained and forcibly repatriated has significance to the willingness to return voluntarily. The findings of both Leerkes et al. (2017) and Gerver (2017:638) show such statistical correlations. When more qualitative methods are used to try to understand why people become compliant, one answer is that, for the sake of their children, they do not want to become subject to coercive measures, and another answer is that they would then lose control over their life situation (Paasche et al. 2016:92–93).

Financial support

Another research question deals with the importance of financial support for returnees. There is an extensive body of literature, often comprising traditional evaluations, on the role of both in-kind and cash support in the decision to return, as well as how the migrants fare in the country they have returned to. Many return programs administered by the International Organization for Migration (IOM) operate under the designation Assisted Voluntary Return (AVR),⁶ which refers in this case to return that is uncompelled, i.e. voluntary in that it is not enforced through coercive means by the authorities but is not independent in that it is assisted in some way. Koser and Kuschminder's 2015 compilation indicates that there is some consensus that the availability of such support does not seem to be an important factor in determining whether or not migrants will return voluntarily. Many voluntary returnees do not even know about this type of program.

Leerkes et al. (2017) used statistical methods and controlled for numerous variables to measure the effect of AVR on Dutch data. They found that financial support did have a small positive effect. Part of this effect, however, was indirect and explained by the interest of a certain type of migrant who, in general, returned home to a large degree. The study points out that the decision to return voluntarily was also due to the threat of enforced removal from the country by means of coercion. This observation seems to be supported by other research in the area.

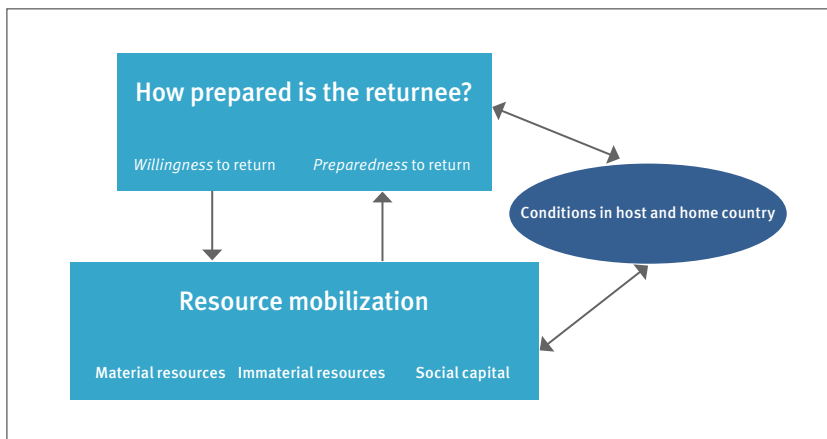
In this context, Norway's various return programs have been carefully evaluated. The results show that even if the reintegration program offered an attractive way to return on good financial terms, the incentive does not seem to have had a significant impact on either the decision to return or in the return plans themselves. The studies, which focused on returns to Afghanistan, Iraq and Ethiopia, show that such return programs cannot outweigh the difficulties experienced by the informants, such as uncertainty and lack of financial opportunities, that prompted the individuals to leave the country in the first place (Strand et al. 2008; 2011; 2016). Brekke (2015:8–9) also reports that the support programs do not seem to have had any significant effect on the number of returnees, but that the support was considered valuable for those who do decide to return. One methodological problem that was noted in the program evaluations is that the incentive effects may be under-reported in this type of study, as it may seem stigmatizing to give up one's dream of permanent residency for a sum of money.

Reintegration after return

Many EU member countries state 'sustainable return' as an expressed goal for return programs, but there is disagreement on how this should be defined and measured. In general, voluntary return is the best option, both for the state concerned and for the returning migrant. This particularly applies if the return includes reintegration support in the country of origin (EMN, 2007). Despite the implementation of assisted voluntary return (AVR) programs for migrants in several EU Member States, detention and deportation are still the most important tools used by European governments to deal with irregular migration (Cherti & Szilard 2013).

An important body of literature deals with reintegration in the country of origin. Many factors indicate that the process is complex and multifaceted because both the country and the returnee have changed during this time and the migrant now in many ways enters a new relationship with their old homeland (Lietaert 2016, Cherti & Szilard 2013, Van Houte & De Koning 2008). The process requires a lot of time and one conclusion is that such migrants who have an ‘interrupted’ migration cycle, including those who have received AVR, experience considerable difficulty reintegrating (Cassarino 2014). Several researchers have emphasized the importance of social networks for achieving better reintegration (Cassarino 2004, Van Houte & De Koning 2008). The returnees’ access to networks contributes to a feeling of belonging and is also conducive to returnees’ practical engagement in the country of origin (Van Houte & De Koning 2008).

Figure 2. Cassarino’s model for return preparedness



Cassarino (2004 and 2008) introduced a theoretical model for return preparedness based on how prepared the migrant was. The concept itself is based on the willingness to return (voluntarily vs. involuntarily) and how prepared an individual is. Both dimensions are in turn based on to what extent the migrant has managed to mobilize different types of resources, including social capital, before returning. The

conditions in both the host country and the home country affect how prepared an individual is. Both the willingness and the preparedness to return are non-dichotomous variables that can also vary over time.

Health status among irregular migrants

Research on health among irregular migrants has increased considerably in recent years, albeit from a low starting point. Most of the studies in the area indicate that there are significant health problems among the group, also in comparison with migrants who have permission to stay in the country. Diagnoses of both physical and mental illnesses are more prevalent, as well as a general low level of well-being. An important cause of these health problems could be that irregular migrants have poorer working conditions than others and poorer access to health care (Woodward, Howard & Wolffers 2014).

Individuals in detention centres constitute a special category in this regard.⁷ A compilation of the research indicates that detainees in general have a lower degree of well-being (quality of life) and poorer mental health, and some evidence also points to a higher risk of suicide. The clinical literature reports problems such as anxiety, depression, PTSD and a reported low quality of life (von Werthen et al. 2018; Filges, Montgomery & Kastrup 2018). Earlier compilations have also produced similar results (Robjant, Hassan & Catona 2009).

Sweden: A small but growing field of research

It can be noted that return has not been a prioritized theme among Swedish migration researchers of any discipline, and that specific research in the area is limited. A strikingly large portion of the knowledge comes instead from reports, reviews and investigations in recent years, usually conducted as part of a Government commission of inquiry or within a directly affected agency with some form of responsibility for return issues.

One might ask why return research has not attracted more interest, and the simplest explanation is likely that the number of irregular migrants has previously been

rather small. Because Sweden is relatively isolated, geographically speaking, and its society – not least the labour market – is so regulated and well-documented, the conditions for irregular living have been limited (Parusel 2009; Khosravi 2010:95).

Nearly all existing Swedish research is quite recent. Most of these studies have had a chiefly critical perspective on return and return policy as a phenomenon. They are thus part of the critical migration research that has, among other things, described the situation of irregular migrants in terms of: ‘exclusion, accelerated repression and racism’ (Sager, Holgersson & Öberg 2016:10). The researchers use mainly ethnographic methods, often interviews or participant observation.

An early and important contribution was made by social anthropologist Shahram Khosravi, who studied the area from the irregular migrants’ own perspectives using interviews and field studies. Khosravi has pointed out that we need to analyse what happens after the return, a phase he calls post-deportation instead of the commonly used term reintegration (Khosravi 2009, 2016).

A typical approach has been to view the system from the asylum seeker’s perspective, by focusing: ‘on the migrants’ experiences of living in a state of deportability’ (DeBono, Rönqvist & Magnusson 2015a:190). This study, by a research team at the Malmö Institute for Studies of Migration (MIM) at Malmö University, is also the most important contribution addressing Swedish conditions. Under the direction of Daniela DeBono, the team chose to examine the return process (the authors often use the term ‘deportation process’) using anthropological methods. At the core of the study were the narratives of 25 migrants describing their experiences applying for asylum and being rejected, their time in detention centres and, in some cases, describing their experiences of returning.

Internationally, Sweden has a reputation of being generous in terms of asylum and refugee reception. There is likewise an initial appraisal of the country as having a non-corrupt and legally certain system that increases expectations of the system being able to deliver fair decisions and legally certain treatment. This means however that once the asylum seekers receive a rejection decision, they experience a contradiction to their initially high expectations, in addition to the harsh reality of sanctions for those who do not follow or abide by the rules (DeBono, 2017:130, 133).

The researchers based the study on a human rights perspective, and the leading question was whether the return process was ‘humane and dignified’ or if such a process even could be (DeBono, Rönnqvist & Magnusson 2015a:188). Their findings illustrate a very multifaceted and complex reality. In short, they question whether Swedish politics and practices – despite many good sides and high ambitions – can be characterized as humane and dignified. This because it is fundamentally based on a power asymmetry and on conflicting interests between migrant and authority (DeBono, Rönnqvist & Magnusson 2015a:194–195).

Borrelli and Lindberg (2018) chose to compare the treatment of asylum seekers with refusal-of-entry or expulsion orders and those with unclear legal status in Denmark and in Sweden. Using ethnographic methods, they examined the control dynamics in detention centres and departure centres. They pointed to the ambivalent role that humanitarian refugee-friendly organizations play when they attempt to support the migrants and counteract the methods used by authorities. Another study by Borrelli (2018a) launched the concept of the ‘whispering game’ as an illustration of how information is distorted when agencies attempt to implement return policy. Based on ethnographic field work and discussions with, among others, representatives of the Swedish Police and Migration Agency, it became clear that rules and guidelines are not always implemented, in part because the staff were not able to remain updated. In other cases, front-line bureaucrats lacked the resources necessary to achieve set goals. One viewpoint that emerged was that those who were making decisions and setting goals lacked practical knowledge and did not understand the challenges in the field.

Broadening the perspective and turning to studies of irregular migration that are not necessarily connected to return, a larger number of studies can be found. Sager (2011 and 2016) examined asylum seekers whose applications were rejected and their experiences on the labour market, in family life and as actors in civil society. Holgersson (2011 and 2014) studied asylum seekers as inhabitants of the city, and Öberg (2015) with a focus on the irregular labour market. In the anthology *Irreguljär migration i Sverige* (Irregular Migration in Sweden), many of the contributors also pointed to other aspects such as the situation of abused women living under threat of expulsion (Bexelius 2016), the work of social workers and social services with un-

documented migrants (Nordling 2016, Björngren Cuadra 2016) and the opportunity to organize trade unions for migrants working irregularly (Moknes 2016). Nielsen (2016a, 2016b) was one of the researchers who did not study irregular migration based on the voices of asylum seekers, but rather based on Government publications. Her research focuses on how irregularity has been polarized in recent decades and on the stances and arguments of the political parties. Two main themes have permeated the debates: amnesty and regularization, and social rights – not least the right to health care.

Re-establishment and return efforts

Some efforts have been made to investigate the return work that is carried out in the area. The Swedish Migration Agency's project in this area, NTG-asyl (2007), indicated that returns with elements of coercion are more costly and that both Sweden and other EU countries would benefit from creating programs aimed at long-term return. It was also pointed out that there are often no formal structures in place for activities with a broader perspective.

The investigation conducted by the Agency for Public Management (2010) concerning return support indicated that financial assistance, re-establishment support, did not have any significant effect on return rates among people whose asylum applications had been rejected. These findings are also consistent with similar studies in Norway (Strand et al. 2008) and in the United Kingdom (Bryan et al. 2010). This type of support is hence not a determining factor in whether or not the individual in question returns. However, re-establishment support can facilitate the process for those who have already decided to return, partly because it makes it easier to support oneself, and partly because it decreases the negative social consequences. The Agency for Public Management (2010:45) further points to the methodological difficulties involved in assessing the effectiveness of the measures. Various reforms in asylum policy were implemented during the study period, which also changed the behaviour of the asylum seekers. This made it difficult to isolate the effects of the support from other measures or events. The agency's conclusion was that more research was needed to increase knowledge concerning what enabled re-establishment.

Health and attitudes

Research has also been conducted in Sweden on the health situation of individuals in the return phase. People living irregularly in the country, usually hidden from the authorities, do not have access to the regular housing and labour markets and have far from full access to health care. These people thereby lack important prerequisites for good health and the National Board of Health and Welfare, Doctors Without Borders and other evaluators assert that this has an adverse effect on this group (National Board of Health and Welfare 2010:275–277; Nielsen 2016a:16; Doctors Without Borders 2005:18–21).

Puthoopparambil, Bjerneld and Källestål (2015) studied quality of life in Swedish detention centres and their conclusion was that the findings in the international literature would seem to apply in Sweden as well. The self-reported low quality of life seems to be related to the time spent in detention centres and the difficulties the individuals had communicating with the staff. One key finding is that the service and treatment provided by the staff appears to play a role in well-being. Yet Swedish detention centres did not differ from those of other countries in one important respect: the detainees suffered from not having control over their lives by having to endure more or less arbitrary restrictions (Puthoopparambil, Ahlberg and Bjerneld 2015).

Finally, there is interesting research on attitudes and how people in the asylum process view and deal with the option of returning, both those who have been rejected and those who are still waiting for a decision. In general, both qualitative and quantitative studies appear to show that people in the asylum process have little confidence, and trust, in the system – not least in agencies such as the Migration Agency. Many are unhappy with their living situation and suffer from the uncertainty of not knowing whether they will be permitted to stay or not. Those who receive a return decision are more adversely affected by the decision than those who are permitted to stay. A rejection decision is often interpreted as maliciousness on the part of the authority, and the process is perceived as arbitrary or even unjust and unfair. The idea of return for people who are seeking asylum is shoved away and the topic triggers discomfort and anguish. It is described as a threat rather than an opportunity and if it is discussed, it is rarely or never an option one would choose (Brekke 2004; Esaiasson & Sohlberg 2018; Lennartsson 2007; Norström 2004).

Conclusions based on the current state of research

The research on return, motivation, policies and other aspects is very extensive, and more prevalent in international than in domestic studies. One conclusion is that return policies contend with great challenges, not least when it comes to enforcing decisions. The policy tools do not seem to have much effect. Traditional financial instruments don't seem to work all that well. Coercive measures and motivational efforts also appear to have limited effectiveness and reach. The logic is that states with various sophisticated methods attempt to trace and remove irregular migrants, but this is met with counterstrategies by other actors. One key obstacle highlighted in several places is the identification of irregular migrants, which seems to get more difficult with time. There are thus significant problems associated with the implementation of return policy.

The decision to return is shaped by a wide range of factors. The situation in the receiving country and the home country plays a role, but so does the social context within which the individual lives. No factor seems to be predominant and the individuals in the process often make choices based on what they value most highly in their specific situation. One important aspect is that although the policy instruments and tools used by different states may seem similar, there are often major differences in the details. Large differences are also registered in other institutional conditions, such as the intrinsic characteristics of the labour market and the welfare system. This in turn means that a policy reform that has an obvious result in one context does not necessarily have the same result in another.

1.4 Return on the Swedish political agenda

Swedish policy towards immigrants, during the great labour migration and up until the early 1970s, was to some extent formulated in polemics against what were perceived as negative consequences of the guest worker systems in, for example, Germany. In Sweden, no distinction was made between the right to work and the right to stay in the country. All immigrants thus had a right, under certain conditions, to apply for and to obtain citizenship. The same system was applied for refu-

gees, whose number increased in scope during the 1970s. Only those inhabitants who wanted to return did so and the authorities tried not to give the impression that they were actively incentivizing people to return. This was also part of the ambition of the 1975 integration policy decision on letting voluntarism be a guiding principle in immigration policy. In this stage, the decision makers often spoke of repatriation, meaning primarily voluntary return for those individuals who had the legal right to be in the country but who still chose to go back (Altamirano 1995:274; Ds 1988:33).

Until the end of the 1980s, there was no cohesive Swedish repatriation policy. One explanation for this could be that it was perceived as paradoxical to argue on the one hand for integration, while encouraging repatriation on the other (Södergran 1999:41–42). In the 1970s and early 1980s, there was a relatively strong political consensus on prioritizing integration above repatriation efforts. In cases where politicians and other actors still engaged in issues related to repatriation, they pointed out that it must be the refugee's own choice and not based on some sort of societal pressure (Södergran 2000:22). In the late 1980s, repatriation issues became revived somewhat. One sign of this is the increased Nordic collaboration surrounding the issues, not least within the scope of the Nordic Council of Ministers (Nordic Council of Ministers 1989). Yet even more important may have been that the topic was treated more systematically within Government ministries and agencies (Ds 1988:33).

During the large wave of refugees from the Balkans in connection with the wars in former Yugoslavia, questions concerning how to handle those whose applications were rejected began to be carefully raised. In an official report from the Swedish Government commission of inquiry, SOU 1993:113, it was pointed out that return, or what was then called removal, had increased dramatically in all twelve of the countries examined, including Sweden. In the early 2000s, the task was expanded after the responsibility for enforcement was transferred from the Police to the Migration Agency. A collaboration was initiated between these agencies to ensure that individuals who had been given refusal-of-entry or expulsion orders actually left the country. A number of appropriation directions and investigations during the 2000s emphasized enforcement as a prioritized task (Migration Agency and the Police 2016:11).

Return rises on the agenda

Around the year 2010, we see an increase in ambitions. In 2009, the centre-right Alliance government demanded that the National Police Board (RPS), the Migration Agency and the Prison and Probation Service ‘take the action necessary to increase the number of enforcements’ (Prison and Probation Service 2009). In December 2009, the decision was made to conduct a process review of enforcement efforts. This work continued, leading in 2011 to the REVA ‘Legal Certainty and Effective Enforcement’ project, which was also named in the appropriation directions. The explicit goal was to increase the number of enforced refusals of entry and expulsions. One way to overcome this was through a lean-based approach, that is, systematic improvement efforts aimed at making the process more effective in order to, for example, find absconders (Migration Agency 2011; Migration Agency and Police Authority 2016:11–12; EMN Sweden 2016).

That same year, a forecast stated that: ‘Return work is a priority task for the Swedish Migration Agency. A clear shift has been made from reception activities to return efforts’ (Migration Agency 2011:24). The following year, 2012, the description of these efforts was sharpened in the agency’s annual report declaring that enforcements were expected to increase ‘significantly’, and the same wording was used again in 2013 (Migration Agency 2012–2013).

As the pressure against Sweden’s borders gradually increased towards 2015, Swedish migration policy was overhauled in a severely restrictive direction and border controls were increased. This also encompassed the irregular migrants in Sweden, and several political initiatives were taken. In spring 2016, a new and tightened policy was drafted, which included the following: Starting in June 2016, single adult foreigners (though not families with children) generally lost the right to assistance under the Act on the Reception of Asylum Seekers (LMA) if they had received a legally binding refusal-of-entry or expulsion decision, and when the deadline for voluntary departure had passed if the decision included a time limit. Several legislative changes also took place in 2016–2017, aimed at clarifying the division of responsibility between Government agencies for enforcing refusal-of-entry and

expulsion decisions. Appropriations to the Police and Migration Agency were also increased in order to increase the number of enforcements. Several special return liaison officers were stationed at key embassies and consulates abroad, such as in Afghanistan, Georgia, Kenya and Jordan (EMN Sweden 2016:5).

Several investigations and commissions of inquiry concerning return were initiated and presented after the 2015 reversal. In some cases, these have also resulted in legislative changes. In Ministry Publications Series Ds 2017:16, proposals were made for workplace inspections, which were carried out in 2018. The Police were given greater opportunities to check that employers did not employ aliens without permission to stay and work in Sweden. Inspections could take place without the employer being notified in advance, and the fines imposed on employers in violation were raised (Government Bill 2017/18:176). The Swedish Government Official Enquiry on Return, SOU (2017:93), proposed in turn that the Police should be given increased scope and authority to take fingerprints or seize passports and other identity documents. The report also contained proposals to curb the widespread misuse of travel documents. One purpose of this was to get people who did not have permission to stay in Sweden to return to their country of origin.

Endnotes Chapter 1.

1. The Swedish Migration Agency's 9 December 2007 appropriation directions state the following: 'The asylum process shall be legally certain and humane at every stage. The Migration Agency will deepen and improve collaboration with other relevant authorities in order to make the asylum process more effective. The total waiting time will be decreased in relation to previous years. Special consideration shall be given to children.' The document "Drömmen om ett bättre liv" ('Dream of a Better Life'), which is meant to provide an overall description of the Migration Agency's mandate, contains the following sentence: 'The Migration Agency shall offer asylum seekers a humane reception and a quick and legally certain assessment' (Migration Agency 2015:2).

The Swedish Police Authority's 2018 appropriation directions, which direct the Police to continue efforts to enforce more refusal of entry and expulsion decisions than previously, instructs the Police to report: 'how it has been ensured that this work has been carried out in a dignified *humane, efficient*, uniform and *legally certain* manner' (Police 2018a). Internal governing documents from the Police have similar formulations (see Police 2018:1b).

The Government Official Report "Verkställighet och kontroll i utlänningsärenden" ('Enforcement and control in aliens cases', SOU 1997:128) has the trio of concepts 'efficient, humane and dignified forms' when discussing return. The Swedish Government Official Report on Return "Klarlagd identitet" (Verified identity) uses the trio of concepts 'efficient, humane, and dignified' (SOU 2017:93).

2. Svt Nyheter, "Ygeman: Uppemot 80 000 asylsökande kan utvisas" ('Ygeman: Nearly 80 000 asylum seekers may be deported' <https://www.svt.se/nyheter/inrikes/tiotusentals-asylsokande-ska-avvisas> (accessed 27 September 2019).

3. Before this project was started, a survey (feasibility study) was conducted, directed at Delmi's target groups (decision makers in the form of officials in municipal, county council and state government, the media and civil society), with questions about knowledge needs. The responses show that the respondents identified a need for increased knowledge about integration and specifically about return.

4. A major issue, which is not addressed in this report, concerns the grounds for the rejection decisions made by the Swedish Migration Agency and Migration Courts. Many asylum seekers and activists argue that there are shortcomings in the assessment of certain asylum cases and there is also research supporting this claim; see e.g. Stern 2012 and Wikström 2014.

5. These three fundamental tools can also be called regulations, financial instruments and information, ranked in order of how coercive they are. Regulations refer to rules, provisions, etc. introduced by law or governmental decision and which the target group must comply with in order to not be subject to sanctions. Financial instruments refer to the giving or taking of material resources in order to bring about a desirable behaviour. Information is an attempt to exert influence by informing, convincing or persuading. It is worth noting that all of these instruments of governance can be both promoting and inhibitory.

6. The abbreviation AVRR, which stands for Assisted Voluntary Return and Reintegration, is now commonly used for similar programs.

7. The international research on the health of detained individuals does not only concern irregular migrants. Two types of detention centres exist: (1) Detention centres at the border where foreigners who are not allowed to enter are held and (2) Detention centres for aliens who are in the country irregularly and those who have refusal-of-entry or expulsion orders. In Australia, for example, migrants are detained even during the asylum procedure itself; from 1992 to 2005, it was mandatory. International studies on detainees thus not only cover the group who have been refused entry or are to be expelled.

2. Method and material

2.1 A qualitative study

This study is primarily based on different types of qualitative data, the majority of which are presented in Chapters 5–7. It also contains a smaller amount of quantitative data (Chapter 4), which contains statistics related to return. One key source of information for the qualitative parts are semi-structured interviews and governing documents for and within the relevant agencies. In addition to a systematic review of appropriation directions and annual reports from the relevant agencies, other internal reports originated at different government’s agencies and supporting documentation have been used. In the choice between a rigorous and structured analysis of a few documents and informants and a less-detailed reading of a larger amount of material, we have chosen the latter approach.

The report uses an analytical framework based on the implementation of return policy and on Lennart Lundquist’s (1987) categorization (see Table 1). The framework also guides the empirical part of the study, Chapters 5–7, in which we examine the requirements and conditions that exist for those tasked with implementing the policy.

Table 1. Analytical framework for efficient implementation of returns

What is the purpose?	Requirements or conditions
Understanding how to implement	Are decisions and information communicated in the implementation chain?
	What are the goals of the policy and are these goals contradictory?
	What is the causal logic and how is this interpreted in the field?
The ability to implement	Is the implementation structure simple or complex?
	What is the division of responsibility between the actors?
	Are there resources in the form of sufficient capacity and competence?
Willingness to implement	Does the implementer have sufficient motivation and support?
	Does the policy have legitimacy for the implementer and other actors?

The analysis is based on the semi-structured interviews that have been manually coded, based on keywords, and then classified into different themes based on the implementation challenges that exist. Broadly speaking, the informants' statements concern facts, their own thoughts and experiences, as well as assessments of the strengths and weaknesses of return efforts and policies. Facts can be checked, which has been done where appropriate, whereas experiences are naturally more difficult to verify. So, we have therefore used follow-up questions and comparisons with internal material at the agencies to detect certain patterns, which were later interpreted based on the analytical framework. In cases where several informants give a more or less consistent picture of the phenomenon, processes or challenges they encounter, there is better evidence that this experience is of a more general nature and not merely that of a single individual.

When empirical evidence is reported, a selection is made in which more frequently reported and consistent statements are given greater weight. Based on coding and classification, systematic comparisons have been made with the agency-internal materials and with several investigations central to the area of return. These comparisons are reported in the sections discussing each respective theme. In some cases, they are also linked to the themes highlighted by research in the area. If the analysis framework questions within the understanding–ability–willingness triad are intended to clarify the implementation challenges, then the quotes and references taken from the interviews aim to illustrate, and hopefully bring to life, the actors' descriptions, experiences and interpretations.

2.2 Perspectives and limitations

Return is both a multifaceted issue and very sensitive topic in migration research. Researchers face several challenges and the experiences of others can thus form the basis for reflections concerning source and method. If we limit ourselves to studies of contemporary Swedish conditions, it can be noted that a number of researchers have experienced difficulties in obtaining information from relevant agencies, and that they have therefore needed to circumvent certain stages of the research process (Lindberg & Borrelli 2017; DeBono, Rönqvist & Magnusson 2015b, 2014). The

last-mentioned of these researchers also experienced suspicion from the NGOs in the area, i.e. not only from agencies and decision makers.

Our specific experience is that this type of problem has not arisen in our contacts with relevant agencies and decision makers. On the contrary, they have often generously contributed with time, documentation and information of all kinds. They were given the opportunity to explain their mission and asked about both the opportunities and the challenges associated with actual activities. This availability was certainly affected by the fact that our study was commissioned by a delegation under the Ministry of Justice appointed and funded by the Government. During the fieldwork with interviews, discussions and visits, we may have been viewed by the informants as a kind of reviewer from the inside, rather than from the outside, as researchers are traditionally linked to. At the same time, this also raises questions on whether we as researchers relate objectively to the phenomena and questions we are tasked with studying, and if our informants may have been affected in their answers. One way of dealing with this is to be as transparent as possible with those we interviewed and to allocate space for quotes in the study rather than to reproduce statements in our own words. Another way is to provide opportunities for other researchers and practitioners – perhaps with different frames of interpretation – to review our study and the conclusions we have drawn. A great challenge for this study, that investigates return from the perspective of the implementer, is that it cannot provide the perspectives of the migrants. Given that approach, it is possible that the results would have been different if our informants would have been the returnees.

2.3 Selection and data collection

Our self-collected empirical material is primarily comprised of almost 40 semi-structured interviews conducted with officials and other professionals. In addition, we have also had direct contact with return operations through study visits to several of the agencies, first and foremost the Swedish Migration Agency and the Police, who work with return enforcement, as well as roundtable discussions with, among others, Stockholm municipality employees. Study visits and discussions provided a

background and understanding, which in turn made it easier to interpret interviews and analyse governing documents and agency-internal material. The following categories of actors were involved:

- Agencies directly affected by return, such as the Migration Agency, the Police, Prison and Probation Service and the Ministry of Justice.
- Indirectly affected public agencies and bodies such as the National Board of Health and Welfare, the National Audit Office, the City of Stockholm, Strömsund Municipality and the Stockholm County Administrative Board.
- Relief organizations such as the Red Cross, Stockholms Stadsmission (Stockholm City Mission), the Swedish Refugee Law Center and activist organizations such as 'Stoppa Utvisningarna av afghanska ungdomar!' (Stop the Deportations of Afghan Youth!) and Stöttepelaren (The Pillar of Support).
- Leading researchers in the field, especially in Sweden.
- Experts and investigators from recently conducted investigations and commissions of inquiry into enforcement and return.

In a study based partially on interviews, a structured method is needed for selection, question formulation, the data collection itself and, finally, the analysis. Informants were selected on an ongoing basis during the research process itself and we have sought to achieve a breadth of informants, including both employees in central positions (officials), as well as employees at more operative levels (front-line bureaucrats) within various agencies and organizations. To some extent, the original selection of informants has been supplemented through snowballing. Virtually none of the individuals we approached for information said no.

The interviews were semi-structured in nature, i.e. similar questions were asked in approximately the same order to all respondents. New topics and alternative questions adequate to the interviewee's function, differentiated the questionnaire. The respondents were given the questions before the interview so that they could prepare. The interviews were conducted in person, sometimes by phone or Skype. On a couple of occasions, two or three people were interviewed at the same time. Each respondent was told the purpose of the interview, that they had the option of

remaining anonymous, that we would record and then transcribe the interviews, and that they had the right to stop the interview or refrain from answering questions. Finally, the informants were invited to read quotes and references and make additions or corrections. A complete list of interviewees is provided in the list of sources and references, where those who have opted to remain anonymous have been anonymized and given a number, which is used in the source references.

2.4 Terminology used in the study¹

There is a fundamental difference between the terms return and repatriation, and yet they describe the same process, i.e. an immigrant who returns to their home country. Yet these are two completely different categories in the Swedish legal sense. Repatriation is the process in which people with residence permits, permanent or temporary, or who already have Swedish citizenship, move back to their home country. This takes place voluntarily, provided the person is not being refused entry or expelled from the country. Return refers to people who cannot legally stay in Sweden and who travel back to their home country, or in some cases to a third country. It concerns people whose residence permit has expired without an application for extension being filed (overstayers), those who have had their application for a residence permit in Sweden refused, or those who have not sought asylum but instead reside in the country irregularly.

Both return and repatriation can exist within the spectrum: Voluntary–Involuntary and Independent–Assisted. On the one hand, return may seem to be, per definition, involuntary because the person in question does not have legal grounds to be in the country. Ultimately, it can be a matter of forced refusal of entry or expulsion. But it is still about different degrees of (in)voluntarism in the irregular migrant. On the other hand, it is often assumed, and taken for granted in advance, that repatriation is voluntary. Yet there are plenty of cases throughout history in which people who have the legal right to be in a country are persuaded to leave and who do not experience the process as voluntary at all. The question of independent or assisted return and repatriation constitutes another dimension in which the process can be assisted to a greater or lesser degree by public agencies and other bodies – and in some cases

civil society organizations. Assisted return and repatriation means that Swedish authorities undertake different kinds of initiatives to facilitate and accelerate the process, while independent means that the process takes place on the returnee's own initiative and using their own funding and resources.

Different terms are often used for the people whose applications for Swedish residence permits have been rejected, or alternatively have not applied for asylum or other permit but who are in the country anyway. Terms such as illegal, paperless, "in hiding", etc. can be found in the media and in other contexts discussing migrants who do not have the right to be in the country. We have chosen to use the term 'irregular'. This is an established term that is used in both Swedish and international contexts. The terms 'paperless' and 'undocumented' appear then to refer to migrants whose applications have been rejected or who for some other reason do not have permission to stay in the country. However, these designations can be misleading, as the words themselves mean that the person in question does not have a passport or other identity documents, which is far from always the case. The term 'illegal' basically means unlawful or in violation of the law and brings to mind crime and criminals. Yet people whose asylum applications have been rejected are not criminals; that is, they have not committed a punishable action, just because they have chosen to remain in Sweden. The term 'illegal' is thus also problematic. All of these terms are also to a certain extent politically charged, and can arouse negative associations in readers, which make them less appropriate.

Using the term 'irregular' is advantageous because the original meaning of the word is 'deviating' and 'not regular', but not 'criminal'.² It should be mentioned that irregular is not a constant state that a migrant exists in. Depending on the circumstance, a person can move into and out of irregularity. One might be irregular by staying in a country after having travelled into the country without permission from the relevant authorities. One might also be irregular by continuing to stay in a country after one's existing permit has expired (overstayers), or been lost, or if one's application for a residence permit has been denied. Finally, one can even travel between countries irregularly if one travels without a valid permit or papers (Sager, Holgersson & Öberg 2016:9).

Endnotes Chapter 2.

1. There are certain challenges regarding the terminology in a study about return policies and practices. One is that different actors, researchers and practitioners (officials and front-line bureaucrats, for example) sometimes use different terms to describe the same phenomenon. A government agency representative, for example, would not likely use the term 'deportation' for refusal of entry or expulsion, while at least some representatives of civil society organizations and virtually all researchers use this term. Writing a report that makes all actors feel fully comfortable with the terminology therefore proves impossible.

2. Also see the terminological discussion in DeBono, Rönquist and Magnusson (2015) pp. 51–53, which alternates between the terms 'irregular' and 'undocumented' when describing the group of people who are refused entry or expelled.

3. Laws and rules concerning refusal of entry and expulsion in Sweden

No state in modern times has had completely open borders and permitted immigration and right of residence for just any reason at all. Free mobility is thus limited in different ways based on who may immigrate and on what grounds. The right to protection from persecution is listed as a fundamental human right in the UN Declaration of Human Rights. Yet the right to asylum is not absolute. The 1951 Refugee Convention also sets out which people are not covered by the convention and similar restrictions have been defined in both EU and national law. The individual's right to asylum is weighed against the right of the nation-states to determine who has permission to be there (Stern 2012:282–283).

This chapter describes the legislation that regulates issues of refusal of entry and expulsion in Sweden in order to chisel out the responsibilities and powers of different actors. In addition to Swedish legislation, there are also a number of international rules and regulations, some at the EU level, as well as a number of UN conventions that Sweden has signed and pledged to follow. These will also be briefly discussed.

Only Swedish citizens have a constitutionally protected right to be and reside in Sweden, and thus enjoy stronger protection than those who have only right of residence in the country. The group that may be considered for refusal of entry or expulsion from Sweden is a heterogeneous crowd with several subcategories. Our emphasis is on the asylum seeker whose application has been rejected. There are a great many other groups in addition to this that are also in the country irregularly. One group are those who have been granted temporary permits to be in Sweden, but whose permits have expired, for example exchange students and labour immi-

grants (sometimes called ‘overstayers’). A specific category of this group are so-called EU migrants, who have remained in the country longer than the permitted period of time. Another group are individuals with temporary or permanent residence permits, but whose permit has been revoked for some reason, for example that the person in question has not lived in Sweden for a long period of time and then returned, or has committed a crime carrying a certain penal value.¹ Yet another group are those who have travelled into the country without permission. This could be people who have entered the country to work or live with relatives, but who do not have a work permit or who are not covered under the rules on family immigration. This category also includes people who have been brought into the country against their will, that is, victims of human trafficking (EMN 2007; Jonsson & Borg 2006:20–22; National Board of Health and Welfare 2010).

A common feature among individuals in these groups is the lack of rights in various areas. Above all, they do not have the right to remain in the country, regardless of what right of residence they had previously. Yet they also, to varying degrees, lack the right to work, study, receive financial assistance², and to use welfare systems such as health care.

3.1 Legislation and responsibility concerning refusal of entry and expulsion during the 1900s

Issues related to return have been handled in different ways throughout history. The principles of free migration basically applied throughout the Western world in the late 19th century and early 20th century. This era, 1860–1917, was to end with the start of World War I (Andersson & Kvist Geverts 2008:9). Through first the Deportation Act of 1914 and then the 1917 Act requiring the presentation of a passport to enter the country, Sweden introduced restrictions enabling refusal of entry and expulsion of those ‘whose presence within the nation was considered dangerous or harmful from a public standpoint’ (SOU 1945:1, p. 7). However, the law did provide a certain measure of protection for those at risk of being punished for political crimes in their home country (Hammar 1964:134–139). Controls concerning for-

eigners' rights to be in the country were gradually tightened towards the beginning of World War I, becoming proper alien's controls (Wikrén & Sandesjö 2017:22–23).

As a result of the early 20th-century legislation concerning foreigners, the Police had the primary responsibility for enforcing decisions related to removing non-citizens from the country. They held this responsibility for a long time (SOU 1997:128). The police could to a certain extent also decide on refusal of entry, for example when the reasons for asylum were found to be clearly unfounded or when the applicant was not at risk of being sent on to their home country (Government Bill 1988/89:86 p. 79). Although the Police was responsible for enforcement, it was often other agencies that assessed whether a migrant had the right to stay in Sweden. Foreigners whose applications were rejected were during this phase kept in jail or detention centres and the length of time they could be detained was not regulated (Hammar 1964).

With the 1937 Aliens Act, the administration of alien's cases was centralized into the National Board of Health and Welfare, who was given responsibility for issuing both residence and work permits as well as handling applications from people who had moved to Sweden for political reasons (Wikrén & Sandesjö 2017:23–24; Andersson & Kvist Geverts 2008:14). During and right after World War II, foreign nationals were held in camps under prison-like conditions. At the time, many were unable to return to their home countries and were interned in special camps. In these cases, the Government, via agencies such as the National Board of Health and Welfare, could independently decide on detention (Berglund & Sennerteg 2008). The revised Aliens Act of 1954 improved legal protection for foreigners. Later legislation in the area provided greater rights of appeal, e.g. the right to appeal decisions made in cases of refusal of entry and enforcement (Wikrén & Sandesjö 2017:24–26).

The Aliens Act of 1989 aimed to 'achieve faster and more rational decision making' and the terms 'refusal of entry' and 'expulsion' were clarified. The power of the Police to decide on refusal of entry was limited and it was decided that all asylum cases would be handled by the Swedish Board of Immigration (SIV), now the Swedish Migration Agency. The new Aliens Act furthermore attempted to limit the problems associated with 'impediments to enforcement' to refusal of entry or expulsion. (Government Bill 1988/89:86 p. 79; Wikrén & Sandesjö 2017:28–29). It was also noted here that the number of asylum seekers without identity documents

had increased, which made the asylum process more difficult and also hindered the enforcement of expulsion decisions. The law thus gave greater opportunities for detention, which could be an effective instrument to overcome the problem of determining identity (Government Bill 1988/89:86, p. 165; SOU 1988:1 p. 165).

On 1 January 1999, after a proposal from the Official Inquiry SOU 1997:128, it was decided that the primary responsibility for the enforcement of decisions on refusal of entry and expulsion would be transferred to SIV, including the responsibility for people in detention centres.³ The responsibility for both decisions and enforcement was thus pooled at a single Government agency. One reason for this was the general competence SIV was deemed to have regarding these issues, and in particular the uncertainty that often prevailed concerning the foreigner's nationality and age (SOU 1997:128, pp. 48–52; Wikrén & Sandesjö 2017:31). Even after the main responsibility was shifted to SIV, the Swedish Police Authority had its own cases, such as convicted felons where expulsion orders were included as part of the punishment. The need for specific police skills was also to be met by giving SIV the opportunity to hand over cases to the Police to enforce certain refusal of entry and expulsion cases (Government Bill 1997/98:173; Wikrén & Sandesjö 2017:31).

It is worth noting that Sweden made a number of changes to the prevailing migration policy in the form of regularization decisions, a total of at least eight such cases between 1988 and 2018, three of which were aimed at irregular migrants. This refers in all cases to decisions made as a sort of amendment to existing legislation whereby residence permits have been granted⁴ (Frykskog 2018). Act 2017:353 concerning resident permits for the completion of upper-secondary education is the third major regularization decision targeted at irregular and undocumented migrants. Previously, one of these decisions, taken in in 2005, introduced a temporary law between 15 November 2005 and 30 March 2006. The decision meant that asylum-seeking families with children who had been residing in the country for a long period of time after a renewed application, or a so-called ex-officio application, could be granted a residence permit, provided that the conditions in the legislation were met. This temporary law was introduced after a high-profile debate on refugee amnesty and the difficulties faced by families in hiding whose refusal of entry or expulsion decisions could not be enforced for one reason or another (Qvist 2008:24; EMN 2009).

EU, European Convention on Human Rights and asylum law

The right to asylum is international and Sweden has been bound by international law under the Geneva Convention since 1951, although it was not incorporated into Swedish law until the Aliens Act of 1980 (Government Bill 1979/80:96). At the core of asylum law is Article 33 of the Convention – the principle of non-refoulement. This principle entails that the state in which the refugee seeks protection cannot refuse to admit or in any way refuse entry or expel the person seeking protection if the person's life or freedom is threatened. The principle also includes persecution on various grounds.⁵ This accordingly does not mean an unconditional right to asylum without assessment of grounds for asylum by the respective country's authorities to determine if the asylum seeker meets these conditions. If these conditions are not met, there is the possibility of refusing entry or expelling the applicant.

With Sweden's entrance into the European Union in 1995, the European Convention on Human Rights was incorporated into Swedish law and Sweden was also bound to comply with EU regulations and other provisions. Free movement of people is one of the pillars of the EU. Under this rule, citizens of one EU country who have a valid passport or ID card may reside in another EU country for three months without needing to apply for permission or (in the case of Sweden) register in the country. In addition, EU citizens can obtain an extended right of residence, which means a conditional right to stay longer than three months. This applies both to those who have work, i.e. employees or self-employed people, as well as to those who are financially inactive such as jobseekers, students or those EU citizens who have sufficient resources to support themselves and pay for health insurance (Bernitz & Kjellgren 2014).

In 1997, Sweden signed the Schengen acquis, and in 2001 the external border controls against other member countries were abolished. This means, in short, that all people who find themselves legally within the Schengen Area, except asylum seekers, can travel freely without needing to show their passport when crossing the internal borders. However, the external borders with other countries are controlled, and the Schengen countries are also tasked with carrying out so-called in-coun-

try checks. The purpose of these checks is the same as previously: People who do not have the right to be in the member country must be traced in order to be returned (Wikrén & Sandesjö 2017:552–556; Hydén & Lundberg 2004:89). At present, 22 of the EU's 28 Member States have joined. Norway, Iceland, Switzerland and Liechtenstein are not part of the EU, but participate in Schengen via collaborative agreements. This means that people can travel in these four countries on the same terms as within a Schengen country (Swedish Migration Agency's website 2018).

EU Return Directive

The EU's return policy contains common rules, operative cooperation between member-states and cooperation with third countries concerning the readmission of irregular migrants.⁶ The 'Return Directive'⁷ came into force in 2010 after being adopted in 2008. This directive set out common rules so that people living irregularly in any member-state could be persuaded to return using certain means such as coercive measures and detention. At the same time, the individuals' human rights and basic freedoms should be fully respected. The Return Directive has been incorporated into the national legislation of all EU Member States.

The first attempt to implement this Directive in Sweden resulted in criticism from the European Commission. Sweden had then to adjust the legislation to comply with a provision describing the procedure to follow when a person is illegally staying in one Member State but legally in another (Alexandra Wilton-Wahren, Ministry of Finance). EMN (2017) determined that nowadays the Return Directive had been fully implemented in Swedish law, more specifically in the Aliens Act, as of March 2017 (2005:716).

A commission of inquiry was appointed in February 2009 (SOU 2009:60) as one of the national strategies towards the implementation of the Return Directive. A follow-up of the Return Directive was presented to the Parliament in December 2016. The resultant proposal contained elements such as an explicit obligation for third-country nationals to cooperate with national authorities in the return process and an obligation for Member States to have systems in place to support voluntary return (Ministry of Justice 2018/19, p. 1). The EU directive has been previously

criticized for not integrating or protecting the principles of human rights (DeBono 2015a). Consequently, some of the human rights obligations previously protected under the Aliens Act were restricted when the directive was implemented.

3.2 Grounds for refusal of entry and expulsion from Sweden

It is primarily the Aliens Act⁸, and then chiefly its eight chapter, that regulates refusal of entry into and expulsion from Sweden. Chapter 8a regulates expulsion on account of criminal offences. Different rules apply depending on nationality, where other EEA⁹ nationals have stronger protection against refusal of entry and expulsion. When the Aliens Act of 2005 entered into force, the meaning of the terms ‘refusal of entry’ and ‘expulsion’ changed. In this renewed version of the act, ‘refusal of entry’ refers to a rejection decision made by any authority, the Migration Agency or the Police, within three months of the foreigner applying for a residence permit in Sweden. If the rejection decision was made after three months, the term ‘expulsion’ is used instead. It is also an expulsion when a foreigner who has committed a crime of a certain magnitude must be removed from Sweden, and a court imposes this as a penalty (Wikrén & Sandesjö 2017:452–453).

As for the grounds for being refused entry to Sweden, non-EEA citizens and their family members may be refused if they do not have a passport, visa, residence permit or other type of permit to stay in the country, if they do not intend to leave the country after the visa period has expired and have no other permission to stay (Wikrén & Sandesjö 2017:454–455). A non-EEA citizen and its family members may also be refused entry if they lack sufficient means to support themselves – or may be assumed to be supporting themselves by dishonest means – or working without a permit, or may be presumed to commit crimes in the country¹⁰ (Wikrén & Sandesjö 2017:461–462).

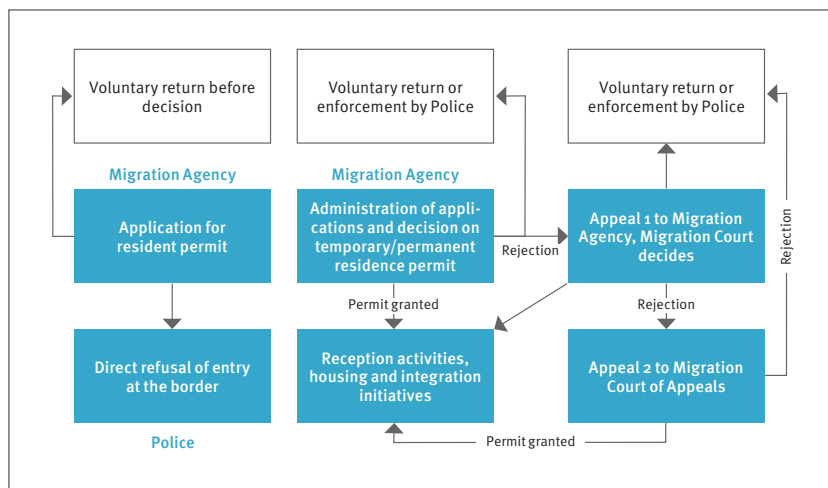
EEA citizens and their family members have more expansive rights to reside in Sweden. But they can be refused entry if they do not have a passport, visa or other identity document required in connection with entry or within the first three months

of stay. Similarly, an EEA citizen and their family members may be refused entry within three months if they pose an unreasonable burden on the aid system, if they pose a threat to basic public interest or for reasons of public order and security (Wikrén & Sandesjö 2017:470–475). In all of these cases, consideration should be given to whether the foreigner cannot be sent to a specific country or if there are other special obstacles, i.e. impediments to enforcement (Wikrén & Sandesjö 2017:479).

What is the decision-making process leading up to the rejection of an application for asylum?

The Swedish Migration Agency is, usually, the first authority a person seeking asylum in Sweden comes into contact with. Following a completed asylum investigation in which the applicant receives legal assistance from a publicly appointed legal advisor, the case is decided by a decision maker at the Migration Agency. Those whose applications are approved, that is, who are granted a residence permit of some kind, receive assistance with establishment and will not be discussed further in this report. This highly schematic sketch illustrates the stages in the asylum process.

Figure 3. Chart of stages in the asylum process



Those whose applications are denied have the right to appeal their decision within three weeks from the time the person was notified of the decision. If the Migration Agency does not deem that there is reason to change the decision, it is forwarded to the Migration Court, which is the second instance in the case. The Migration Court can either change the decision or agree with the Migration Agency and confirm the decision. In the latter case, there is one more opportunity to apply for reassessment. The decision of the Migration Court can be appealed to the Migration Court of Appeals within three weeks. The Migration Court of Appeals is the final instance and a decision there sets precedent, that is, it becomes guiding for both the Migration Agency's and the Migration Court's decisions in similar cases. In most cases, the decision of the Migration Court of Appeals is not appealed, except in cases where there is no guidance or if a migration court tried the case incorrectly¹¹ (Migration Agency 2018a).

What happens after a rejection decision has become legally binding?

After the final decision on rejection has become legally binding, that is, the applicant does not want or is unable to appeal in more instances, then the decision must be enforced. For the decision to be enforceable, there must not be any impediments. One example of an impediment to enforcement is when the foreign national's country of origin has no intention to receive the person when returning from Sweden. Another one is when the applicant is a minor who does not have a guardian or other arranged reception in the country where he/she shall be sent back to. Yet another impediment is when the person is too ill to be removed. Finally, another impediment can be due to external conditions. If there is a deterioration in the security situation in the country of origin to which the person will be returned to after the judgement has gained legal force, then this can also constitute an impediment to enforcement (Migration Agency 2016a).

If no impediments to enforcement exist, or are put forward, then the applicant prepares to return. In normal cases, a person has a time limit of two weeks to voluntarily leave the country after a legal binding decision on refusal of entry and four

weeks for decisions on expulsion (Migration Agency 2013:62–63). If the Migration Agency deems that some form of coercion may be necessary for enforcement or if the person has absconded, the Police will take over responsibility for enforcement. In other cases, the Migration Agency retains responsibility for enforcement (Migration Agency 2013:63–64; Aliens Act 12:14). The Police has the possibility to request the services of the Prison and Probation Service to enforce the decision and ensure that the foreign national leaves the country, but it is still the Police who have the responsibility (Migration Agency 2013:68). If the case involves the return of a minor, independent voluntary return cannot be required in the same way as for adults. The responsibility then lies with the enforcing authority, which must ensure that there is an organized reception in the country of origin when the decision is enforced (Migration Agency 2013:63).

Even in cases where the Police have the responsibility, enforcement may take place without coercive measures or even without the participation of the Police. Individual travel is arranged entirely independently, without the involvement of the Police or Government agency representatives, without monitoring and without the company handling the journey (usually an airline) being informed. One prerequisite for this type of departure is that the person possesses valid travel documents and the necessary visas. An unsupervised, or unescorted, enforcement (DEPU)¹² is carried out with the assistance of the Government agency staff until the flight takes place and is the usual form of departure for enforcements under the Dublin Regulation. In these cases, the affected airline is informed that an enforcement is taking place. Finally, there are supervised or escorted enforcement trips (DEPA) with the same routines as DEPU, but with the difference that escort personnel follow and can, for example, assist the traveller in gaining access to the destination country. This form of departure is used when there is a risk that the person traveling may be expected to resist or when the person does not have the required travel or identity documents (National Police Board, 2014b:2; Ds 2004:57 p. 31–33; SOU 2011:7 pp. 172–173).

After a decision has become legally binding, it must be executed within four years. If it is not executed, it becomes statute barred. This does not mean that the person subject to the decision is granted asylum or a residence permit, but rather that the

process starts over if the person is found in Sweden. If a new asylum application is submitted, then a new process begins, with refusal of entry, expulsion or resident permit as possible outcomes.

When a decision to refuse entry or expel becomes enforceable, a so-called return case is normally opened. A return case is divided into three different procedures: *normal procedure*, *accelerated procedure* and *Dublin procedure*, which in turn is governed by how the case was dealt with in the application itself. All of these procedures apply to asylum applicants whose applications have been rejected (Migration Agency and Police Authority 2016:9). When the return case is opened, further processing of the case is planned. This planning includes an investigation into the applicant's own position regarding return (SOU 2009:60, p. 137). The normal procedure previously included three types of discussions: notification, follow-up and return dialogues. Today, an individual assessment is made considering which specific preparations are needed. Only a notification of the decision is mandatory; the rest of the procedure is determined by the authority itself. The number of discussions/measures varies depending on the complexity of the case (Kristina Rännar, Migration Agency).

The Police can enforce three different types of decisions concerning refusal of entry or expulsion: First are the cases that have been handed over by the Migration Agency (Aliens Act 12:14). Then there are the cases from the courts which are to be enforced as part of a penalty for a committed crime (Aliens Act 12:14). The last category concerns the cases where the Police have decided on refusal of entry and thereafter have enforced themselves. (Aliens Act 8:17 and 12:14). The majority of the decisions enforced by the Police are related to cases submitted by the Migration Agency, but in recent years the Police's own refusals of entry have increased significantly in number (see section 4.4). When a case is handed over from the Migration Agency to the Police after the person has absconded, the Police conducts an investigation in order to find the person and continue with the expulsion process.

Control mechanisms for ensuring and facilitating a return

The point of departure of the Swedish Aliens Act is that the person who has received a refusal-of-entry or expulsion decision should leave the country voluntarily and without the use of coercive measures. It can be pointed out here that in various judgements, the Migration Court of Appeals rules that it is primarily the person with a refusal-of-entry or an expulsion order who is obliged to voluntarily leave the country – and the Swedish authorities are neither responsible nor obliged to enforce the decision through coercive measures (Migration Court of Appeals 2007, 2009).

If, due to different circumstances, there is reason to suspect that a person will abscond, and thus escape the implementation of a decision on refusal of entry or expulsion, he/she may be placed under supervision or even detained. The difference between supervision and detention has to do with the restrictions that are placed on the person and the (coercive) measures taken by the Police. Detention involves taking custody and placing the person in question in a detention centre. The purpose is to keep the person available for the enforcement of a refusal-of-entry or expulsion decision (detention for enforcement of decision) or, alternatively, is carried out because the person does not have identity documents and it is unable to confirm his/her identity (detention while ascertaining identity). Supervision means that the person in question is obliged to register with local Police or with the Migration Agency. In a decision on supervision, the person is also obligated to surrender their passport or other identification document (NTG-asyl 2007:4; SOU 2011:17).

Access for economic help and support for return

What, are the financial circumstances like for migrants who are in the return phase? There are different types of support available to those preparing to return, both cash and in-kind support. A number of actors, such as the Migration Agency, IOM and NGOs, distribute support in various forms. In addition, some support is conditional on the returnee meeting certain criteria to be eligible: returning voluntarily and to a

certain country (Migration Agency n.d.). Finally, there are specific initiatives for specific groups, such as, for example, victims of human trafficking (NMT Sverige n.d.)

Perhaps the most common type of support available to returnees is the re-establishment support (introduced in 2007), which corresponds to SEK 30 000 for each person over the age of 18 and SEK 15 000 for children under 18. This is given to people whose asylum applications have been denied, or to those who have withdrawn their application and choose to voluntarily return. IOM handles the payments themselves on-site in the home country (Migration Agency n.d.). Sweden is also part of the European cooperative program ERRIN (European Return and Reintegration Network), which provides support for reintegration for people whose asylum applications have been denied (Migration Agency n.d. b). Both re-establishment support and ERRIN are available to returnees only in a limited number of countries.

Endnotes Chapter 3.

1. Whether or not a foreigner who has committed a crime in Sweden can be expelled from the country is a complicated question. In addition to the penal value of the crime, an assessment is also made of the person's connection to Sweden and ultimately a proportionality and fairness assessment of the case is performed. Also see Prosecution Authority (2013).
2. In an unpublished study by the Swedish Association of Local Authorities and Regions (SKL), about half of the municipalities who responded to the questions stated that they had not granted financial assistance to persons without permits at all. The other half had only granted support or counselling to a limited extent. The responses were characterized by a high degree of uncertainty. Persons without permits consider children or adults whose applications for residence permits have been denied, and who had received a legally binding decision to return. Within the group are also considered children and adults who find themselves in the country but who had not applied for residence permits, or migrants who had residence permits but these permits expired. Ove Ledin, SKL, phone conversation 9 April 2019.
3. Statens Invandrarverk, SIV (the Swedish Board of Immigration) changed its name to Migrationsverket (the Swedish Migration Agency) on 1 July 2000 (Government Bill 1999/2000:43 SfU9). In this report, the name SIV is used when referring to events prior to July 2000 and to the Migration Agency when referring to events after the name change.
4. The supporting documentation on irregular migrants is as follows: Ordinance (1998:117) concerning residence permits in certain cases involving foreigners, SfU5 2005/06: New assessment of refusal of entry and expulsion decisions (SFS 2018:756), Act amending Act (2016:752) on temporary limitations of the possibility of receiving a residence permit in Sweden (Frykskog 2018)

5. Article 33: 'Prohibition of expulsion or return ("refoulement") 1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion. 2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.' Geneva Convention (1951)
6. European Commission: 'Return & Readmission' https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en (accessed 5 February 2019).
7. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008.
8. In addition to the Aliens Act, there is also governing EU legislation: First and foremost are the Dublin, Eurodac and VIS regulations (visa information system).
9. The European Economic Area (EEA) is an extension of the EU's single market to non-EU parties within the continent. Besides EU member states the EEA includes Iceland, Liechtenstein and Norway.
10. When it comes to expulsions due to crime, the Aliens Act states that foreigners who are not EEA citizens or family members of EEA citizens may be expelled if the foreigner is convicted of a more severe penalty than a fine and
 - a) if, in view of the type of act involved and other circumstances, it can be assumed that he or she will be guilty of continued criminal activity in this country or
 - b) if, in view of the resulting damage, danger or violation of private or public interests, the offence is so serious that he or she should not be allowed to stay. (SFS 2014:198).
11. The primary task of the Migration Court of Appeals is to create precedent, that is, by their decisions, to guide the migration courts and authorities in how applicable law should be interpreted and applied. Leave to appeal can be granted in certain cases, usually only when there are special reasons or if it is necessary due to the application of law in the area (Administrative Court of Appeal 2018).
12. The DEPU and DEPA forms of departure have been established by the International Air Transport Association (IATA) and are thereby internationally accepted. It should be noted that the Migration Agency also uses these forms of departure.

4. Return in numbers – how many and in what forms

Describing migration, irregular migrants and return in numbers is no easy task. The calculations and estimations are affected depending on which – if any – border controls the migrant passed and what contact he/she has with various authorities. The authorities, many in number, can in turn collect data, register, and categorize these phenomena in various ways. The data presented by official bodies can also be deficient for other reasons, for example that they, for political reasons, choose to underestimate or overestimate the number of irregular migrants (Orrenius & Zavodny 2016:4). For these reasons, among others, the questions of how many people are living irregularly and how many people return are difficult to answer. The upcoming sections present a background to irregular migration, how data is collected and categorized and, above all, a more detailed description of the people who return.

4.1 Irregular migration in the EU and in Sweden

Many people reside irregularly within the EU's borders, of which the majority are staying in member states in southern Europe. In 2016, almost half a million people without citizenship from an EU country received decisions to return. However, only 226 000 were registered as returnees. The following year, 2017, just over half a million people received return decisions, but only 189 000 actually did. The return rate has thus declined from 46 to 37 percent, but percentages differ significantly between Member States (European Commission 2018).

Those who remain within the borders of the EU despite orders to return thus add to the numbers of irregular migrants already living in the Member States. For 2008, the EU-funded project CLANDESTINO ¹ estimated that there were between 1.9 and 3.8

million irregular migrants within the EU27, corresponding to 0.4–0.8 percent of the total population (Spencer 2016:41; Kovacheva & Vogel 2009). Recent developments are not altogether easy to chart, but there are indications that irregular immigration actually declined leading up to 2013–14 and then increased again with the large wave of migration to the EU since 2014 (Orrenius & Zavodny 2016:7–8).

Sweden is not covered by CLANDESTINO, but the researchers in the project nevertheless made a rough estimate that there were around 8 000 to 12 000 irregular migrants in Sweden in 2008. The National Board of Health and Welfare (2010) referred to estimates ranging between 10 000 and 50 000 people, the vast majority of which were in the three largest metropolitan regions of Malmö, Gothenburg and Stockholm. More recent estimates by the Swedish Government Official Report on Return situate the number in 20 000–50 000 undocumented people in Sweden, a group that has increased in numbers (SOU 2017:93, p. 63). The discrepancy between the data and the range in individual estimates is thus strikingly large.² Parusel (2015:11) points out that it is virtually impossible to know how many have absconded, or have chosen to stay and live irregularly in the country, and how many may have applied for another permit.

4.2 Collecting and categorizing data on return

Measuring the number and proportion of returnees is complicated. The main agencies involved are the Police and the Migration Agency. In general, the statistics of both agencies are not fully reliable, partly because of different collection procedures, different reporting methods and different ways of categorizing. The Migration Agency, along with the Prison and Probation Service and the Police Authority, were tasked in two appropriation directions in 2017 with compiling statistics to provide a uniform and accurate overview of return. The quality of the data has reportedly been improved in recent years, but there is still potential for further improvement (Magdalena Lund, Migration Agency; Maria Hultqvist, Police).

A comparison of the Swedish Migration Agency's and the Police's statistics for enforced cases shows considerable variations that can be explained in different ways. First, the Police cannot distinguish cases of asylum seekers from cases handed over from the Migration Agency. Thus, all return cases fall into the same category, including in the statistics people who do not have the right to reside in Sweden, but at the same time who never sought asylum or were in contact with the Migration Agency. Second, there are delays in registering the data when the Migration Agency sends their handed-over cases by post. This means that there will be a delay between the number of cases that the Migration Agency states that the authority has handed over and the number that the Police have reported as received. There is a similar delay when the Police report completed cases to the Migration Agency because it takes time before the case arrives at the right unit and can then be registered as concluded (Maria Hultqvist, Police).

In addition, the Police and the Migration Agency use different definitions when reporting enforced cases in regard to departures. The Police report all cases that have been handed over, regardless of whether these are asylum seekers or other kinds of cases where migrants are told to leave the country. The Migration Agency, for example, sometimes only reports the number of the departures handed by the Police, those who have left Sweden in connection with discharge from the reception system.³

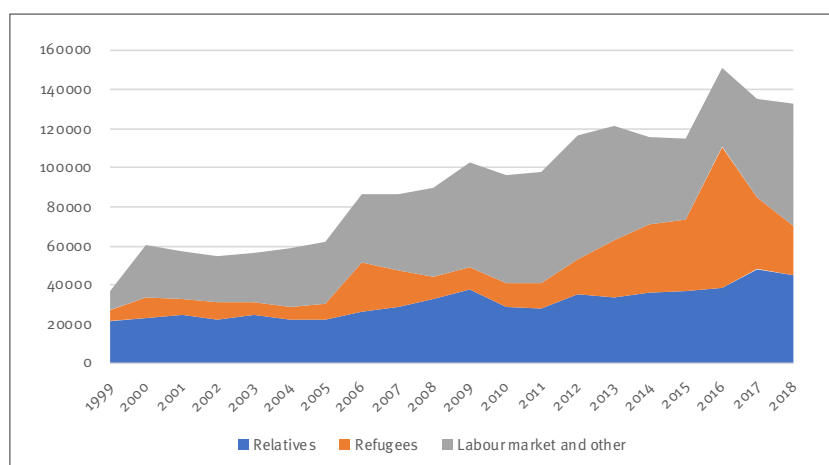
A difficulty also exists for the absconded category. It is nearly impossible to survey this group because they have no motivation to reveal or disclose their true identity. Some have returned on their own or have moved to a different country. Others seem to have stayed in Sweden and may, for example, try to apply for a different type of residence permit. If the refusal-of-entry or expulsion order is not executed within four years, it becomes statute-barred.

In the data we have obtained from the Migration Agency, and in most of our compiled data, it is not the number of individuals who return that is reported, but rather the number of return cases.⁴ One individual can thus have several cases, even if the vast majority only have one.⁵ During the period covered by the study, the Migration Agency has categorized return cases in slightly different ways.

4.3 How many return from Sweden? The Swedish Migration Agency report

The number of returns must first be placed in relation to total immigration. Between 1999 and 2018, slightly more than 1.8 million people were granted permission to stay in the country, a figure which has no equivalent for such a short period of time in modern times. The absolute lion's share of the cases ending in a resident permit took place during the 2010s, which is illustrated in diagram 1. Except for 2016, most of those granted residence permits have not been asylum seekers and people seeking protection, but there are many asylum seekers in the 'family reunification' group.

Diagram 1. Number of granted resident permits in Sweden, 1999–2018



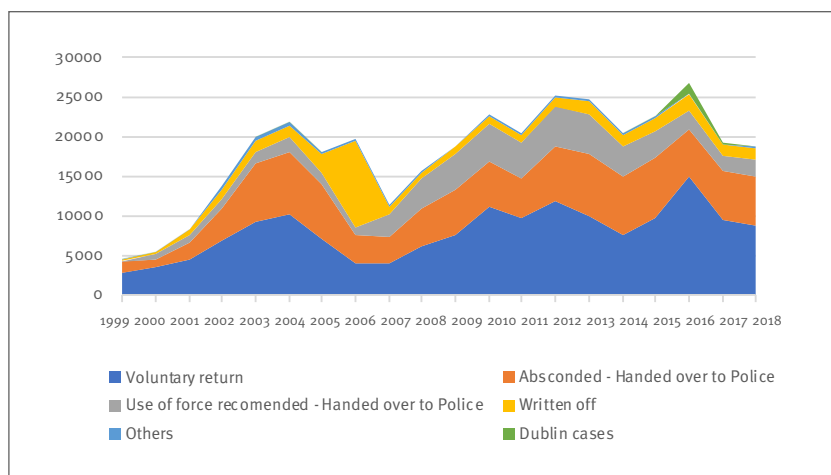
Source: Migration Agency statistics.⁶

As previously described, the Migration Agency's statistics for return are divided according to those who have voluntarily left the country by themselves, those who have been handed over to the Police and removed through coercive measures, and those who have been handed over to the Police because they have absconded. The categorization is initially based on whether the authority considers it probable,

and has evidence to back up, that the person will abscond, or that it is likely that coercion will be needed when the decision is to be executed. A fourth category comprises the cases that have been written off, which can occur due to various reasons (see Appendix I).

However, these statistics do not include those who have never applied for a permit, but who had been living irregularly in Sweden and then returned home on their own, without being subject to any coercive measures. The return statistics are based on the Migration Agency's central database of foreign nationals (CUD) during the period 1999–2018. The Police had the responsibility for enforcement during the previous period of time and we have not received any data on this period. During the two decades for which we have access to statistics, several interesting patterns can be detected.

Diagram 2. Number of return cases, 1999–2018⁷



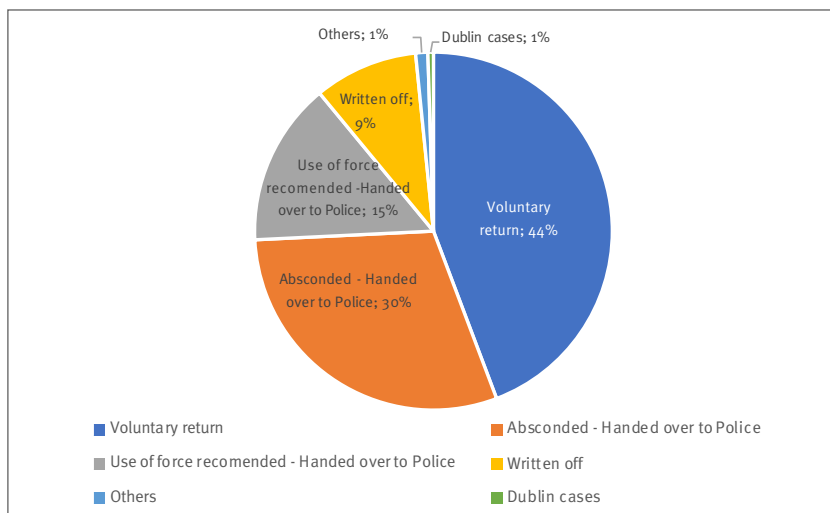
Source: Swedish Migration Agency. Delmi's processing. Note: According to information provided by the Migration Agency, data for 1999 should be treated with caution since the registration procedures were new and to some extent not followed.

Diagram 2 indicates that the number and percentage returning from Sweden to the country they were removed to fluctuates significantly over time. The total number of cases varies during the 20-year period between just over 4 000 to just over 26 000.

The percentage and number of written-off cases peaks in 2006 in connection with the provisional law allowing for regularization; the number is small both before and after that. The group handed over to the Police for forced departure is small until 2006, after that year it increases significantly in number up until the beginning of the 2010s and then drops again after 2013. The number of absconding cases handed over to the Police also varies significantly over time. There is a hump in the early 2000s, especially in the years 2003–2004. The next increase is seen about a decade later. We will return to how these patterns can be explained insofar as the variations are not due to mis-categorizations or deficiencies in the data.

If we instead look at the percentage of completed cases, the data shows that the percentage of independent or voluntary return varies between 30 and 60 percent during the period. The percentage handed over to the Police for forced departure rises during the 2000s but drops again during the 2010s. The percentage of absconding cases handed over to the Police is high in the early 2000s and early 2010s and, on average, constitutes about one-fourth of the group's returned cases.

Diagram 3. Percentage of decided return cases, 1999–2018



Source: Swedish Migration Agency. Delmi's processing.

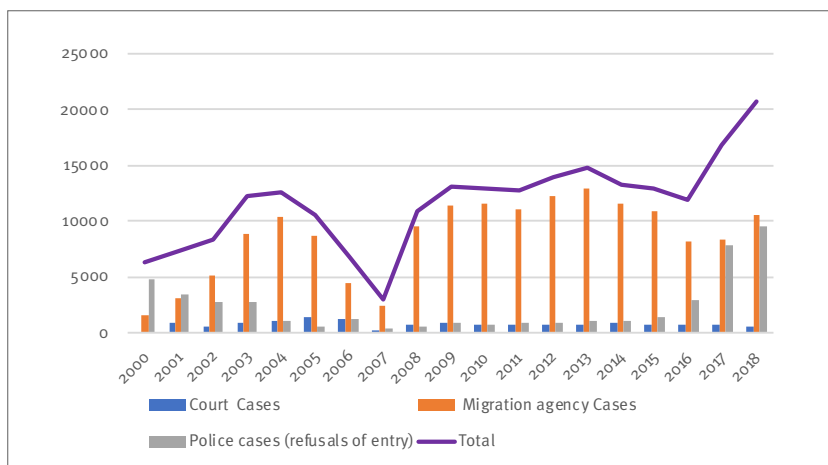
Looking at the entire period studied, fewer than half, about 44 percent, of all return cases result in voluntary return. Those handed over to the Police for forced departure account for about 15 percent and just under a third of all cases comprise absconding individuals who have been handed over to the Police.

4.4 Police statistics on enforcement cases

Stating that a certain percentage returns voluntarily, based purely on the Migration Agency statistics reported above, would not be truthful to the facts. Those who are refused entry by the Police belong by definition to a category in which some form of coercion was deemed necessary. However, the departure itself can take place in various ways. The Police differentiates between individual travel, unescorted travel (DEPU) and escorted or supervised travel (DEPA⁸). Individual travel is when the person leaves the country like any other traveller and no coercion occurs during the actual departure.

What is the statistical overview of return when using the Police's data? The Police registers three types of enforcement cases: enforced cases handed over by the court (convicted individuals); enforced cases handed over by the Migration Agency and enforced Police refusals of entry. Those are the type of cases that, for example, occur in border checks if a person hasn't got a right to travel into the country, or at an in-country check of foreigners when an irregular migrant is encountered. The data are reported from the regions via the Police's case management system (PÄR). These statistics also have quality deficiencies, but they give an indication of numbers and percentages during the period.

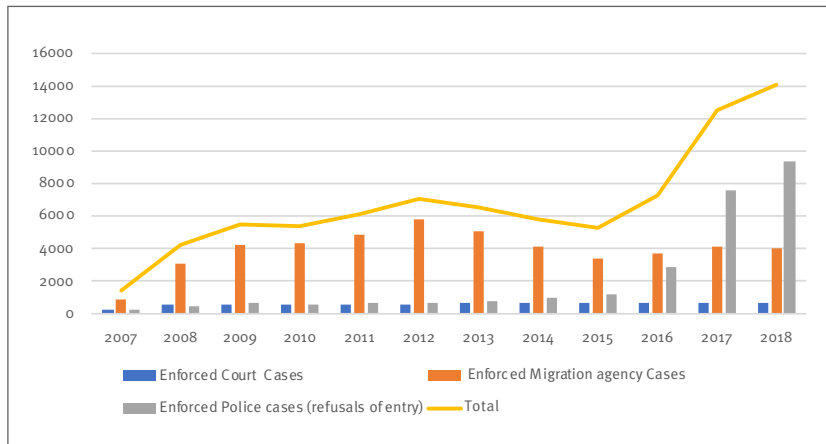
Diagram 4. Number of enforcement cases received by the Police, 2000–2018



Source: National Police Board 2007a, p. 14. Data retrieved from the Police's case management system⁹ and provided directly by the Police.

The cases received by the Police varied considerably from 2000 to 2018. The absolute lowest level was reached in 2007, which is probably related to the 2005–2006 regularization decision, which granted new assessments and residence permits to a large group. In the early 2000s, Police refusals of entry constituted the largest percentage of total refusals of entry. Police refusals of entry decreased sharply due to the Schengen cooperation and were few in number until the end of the period, when the cases increased significantly before peaking in 2018 (National Police Board 2007a). Enforcement cases from the Migration Agency increased sharply during the first year of the 2000s, dropped dramatically in 2005–2007 and then increased equally rapidly again in the following years, after which the number has remained at approximately 10 000 per year.

Diagram 5. Cases enforced by the Police, 2007–2018



Source: Combination of data retrieved from the Police's case management system¹⁰ and data directly provided by the Police.

All cases received by the Police are not enforced, which is shown by Diagram 5 of the number of actually enforced cases during the period 2007–2018. If one compares the amount of cases year by year, about half of the total cases are enforced and as regards to court cases, the percentage is much greater. An interpretation could be that court cases are given priority by the Police, which is also confirmed by the statements of several informants. In the statistics of enforced cases, a sharp increase is also seen in police refusals of entry between 2016 and 2018, from around 1 000 per year to almost 10 000.¹¹

4.5 How many cases are written off?

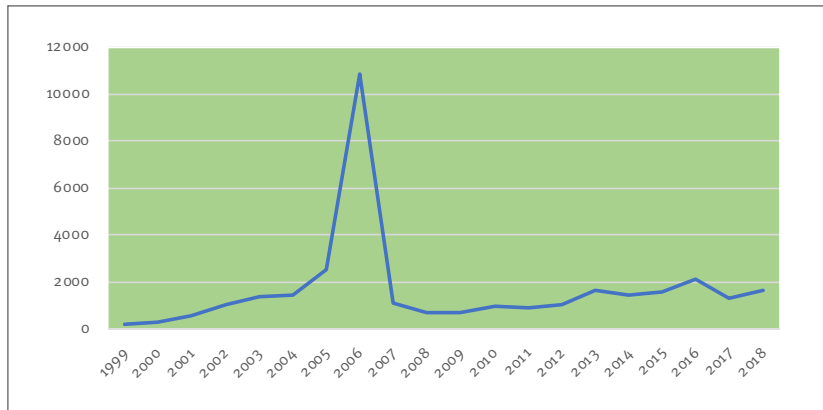
According to data from the Migration Agency (see Diagram 6), a total of 33 660 return cases were written off between 1999 and 2018. The largest number was written off in 2006 as a result of the earlier regularization decision. This temporary law meant that residence permits were granted to certain asylum seekers who had been denied asylum and received an expulsion decision. The law did not apply to all but was instead aimed at families with children who had been in Sweden for a

long period of time and to people whose removal decisions were not deemed to be enforceable due to conditions in the receiving country (SfU5 2005/06:12).

The fact that a case is written off does not necessarily mean that the individual is granted a residence permit, temporary or permanent. Some cases are reassessed, and others result in expulsion by a decision from another court. According to the Migration Agency, the following grounds exist for writing off a case:

- the foreign national has been granted a permanent residence permit.
- the foreign national has been granted a temporary residence permit and the refusal of entry or expulsion has been cancelled.
- the Migration Court has cancelled the removal decision and referred the case back to the Migration Agency for a reassessment.
- the removal decision has become statute barred.
- a general court decision on expulsion due to crime has gained legal force.

Diagram 6. Written-off return cases, 1999–2018



Source: Swedish Migration Agency. Delmi's processing.

The cases that are written off due to temporary or permanent residence permits having been granted – and which are not the effect of an ‘amnesty’ or regularization – correspond to individuals who have changed track and have been granted residence permits for a reason other than asylum.¹² The most common is that asylum seekers change tracks and seek permission for work or family reunification, which is also discussed in section 5.3. Taking into account that over 357 000 refusal of

entry or expulsion decisions were made between 1999 and 2018, the written-off cases account for almost ten percent of the total number.

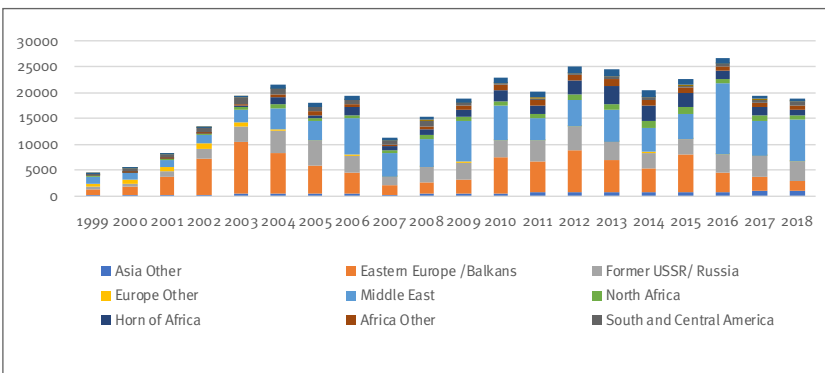
Diagram 6 shows a clear result of the temporary law that applied between 15 November 2005 and 31 March 2006. In other years, the cases number about a thousand or so, with a slight increase over the last decade.

4.6 Return per geographic region

In terms of the geographical origin of returnees, clear patterns can be seen over time. Returnees will most likely come from a country that has been struck by war or conflict in the surrounding years, or where wars and conflicts are still ongoing.

If the countries are grouped by region, Eastern Europe and the Balkans were the most important region of origin initially, but the Middle East has dominated in later years. Returnees originating from the Horn of Africa and former Soviet republics have constituted a smaller, but still significant, proportion and the numbers have been more stable over time. The rest of the world has accounted for a very small proportion of return cases.

Diagram 7. Return cases broken down by geographical origin of applicant, 1999-2018

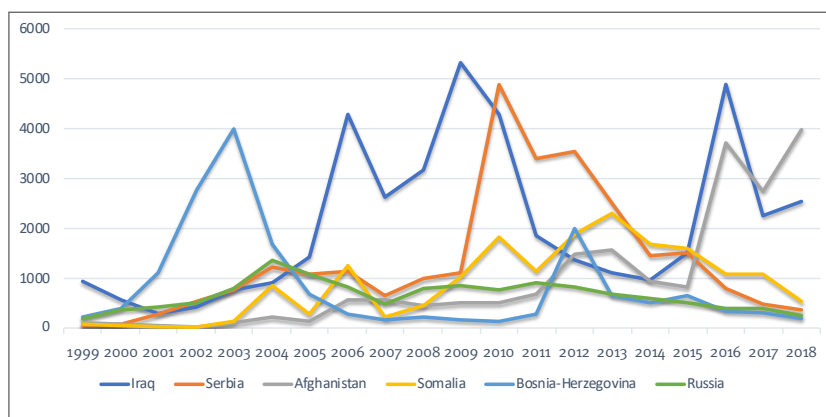


Source: Swedish Migration Agency. Delmi's processing.

Over the past two decades, Iraq and Serbia have been the two nationalities that have accounted for the most cases.¹³ Until 2016, Balkan countries such as Serbia,¹⁴ Bosnia-Herzegovina, Kosovo and Albania dominated, but since then Iraqi and Afghan nationals have accounted for a larger share. Among these nationalities are also some coming from countries where the prospects for residence permits for reasons of protection are rather small, such as Mongolia and Russia.¹⁵

Among the six largest nationalities for the 1999–2018 period (Diagram 8), three are found in Europe, two in the Middle East and one in Africa. Afghan nationals have increased in numbers in recent years, while nationals of Iraq top the list at various points during this period.

Diagram 8. The six largest nationalities among return cases, 1999–2018

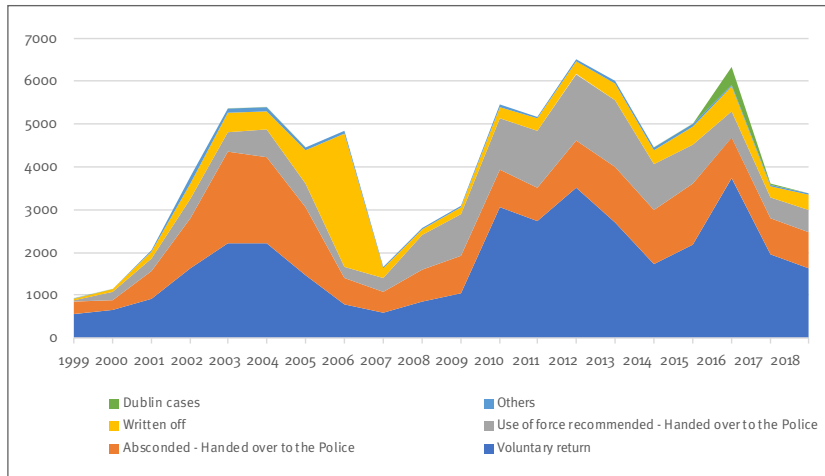


Source: Swedish Migration Agency. Delmi's processing.

4.7 Return of minors

Media reporting on return tends to focus on children and young people and, not least, the category of unaccompanied minors. Does this group follow the same patterns as other returnees?

Diagram 9. Return cases for minors, 1999-2018

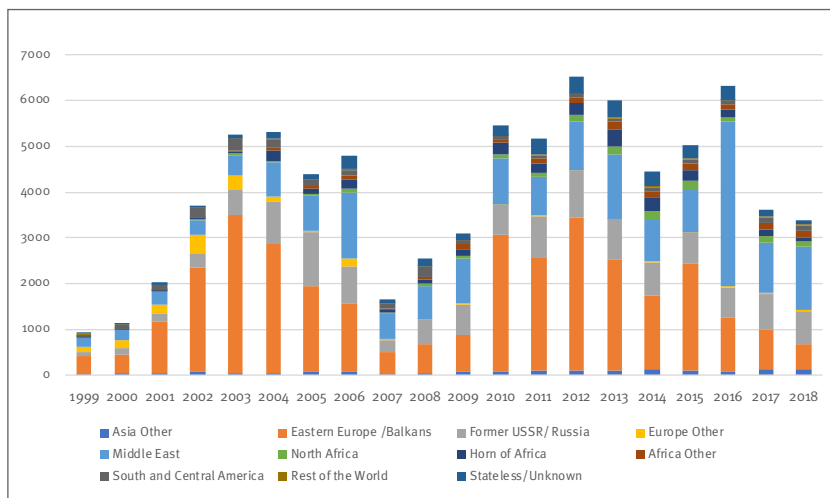


Source: Swedish Migration Agency. Delmi's processing.

Diagram 9 shows that the category of minors has followed roughly the same pattern as the group at large in terms of numbers. After the many written-off cases in 2006 in connection with the regularization, the number of returning minors drops and remains at low levels even in the years following. The volume then rises sharply after 2009, with two peaks in 2012 and 2016, before declining. Most of the cases concern children and young people who arrived in Sweden with their families.

If we categorize based on geographical origin, the group of minors largely consists of individuals from Eastern Europe and the Balkans. Minors who have received a return decision and originate from the Middle East only dominate after the large reception in 2014-15.

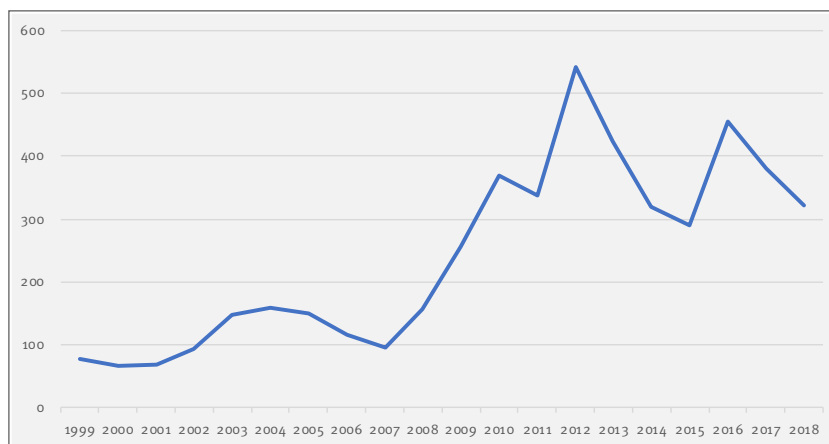
Diagram 10. Return for minors – geographical origin, 1999–2018



Source: Swedish Migration Agency. Delmi's processing.

Particular attention in the media and sections of civil society has been directed at unaccompanied children and young people who are about to be refused entry or expelled. Research has shown how those who stay in the country get by (Çelikaksoy & Wadensjö 2018). The majority are permitted to stay, but a considerable proportion do not have their asylum application approved and, in many cases, return to countries where living conditions are difficult. The Migration Agency's asylum decisions have been questioned by several organizations, both within Sweden and abroad.¹⁶ The return of minors is an issue that is both sensitive and complex and poses several challenges for the agencies tasked with enforcing the decisions, as described in the empirical chapters 5–7. Unaccompanied minors represent a comparatively small proportion of all return cases but constitute a vulnerable group that deserves closer analysis.

Diagram 11. Number of return cases for unaccompanied minors, 1999–2018



Source: Swedish Migration Agency. Delmi's processing.

Diagram 11 shows that the number of return cases involving unaccompanied minors has increased steadily over the past decade. In total, the Migration Agency has registered 3 693 return cases of unaccompanied minors between 2009 and 2018. Slightly more than half of these originate from three countries: Afghanistan (1096), Somalia (462) and Iraq (307). The next chapters, 5–7, present experiences of representatives from the social services and others concerning returning unaccompanied minors. Interestingly, the largest number of cases was registered in 2012 and not in connection with or after the refugee crisis.

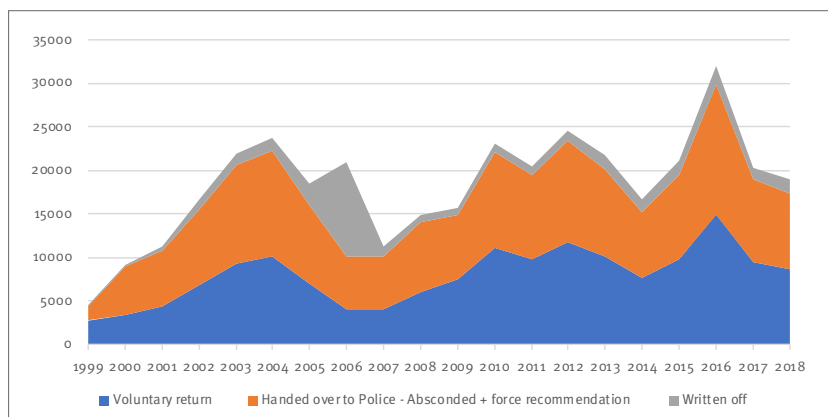
4.8 Goal vs. reality: Decided and enforced cases

Previous figures indicate that the number of refusals of entry and expulsions actually enforced does not match the total number of cases or decisions made. How large is the discrepancy among these? The political objective cited in the introduction was intended to increase effectiveness, i.e. increase the number and

percentage of refusals of entry and expulsions and thus reduce the discrepancy. Both the Migration Agency and the Police can enforce refusal of entry and expulsion decisions and the process is that the Migration Agency hands over cases where the person has absconded or where the authority considers that the person is not cooperating to the Police for enforcement. The Police, for their part, enforce cases from the courts, the Migration Agency and their own refusals of entry.

Based on Diagram 3, we already know that just over 44 percent of all return cases, for which the Migration Agency is responsible, resulted in voluntary returns between 1999 and 2018. If the cases that are handed over to the Police result in actual refusals of entry and expulsions are also included, the percentage increases to just under 60 percent.

Diagram 12. Migration Agency: Discrepancy between decided and enforced cases, 1999–2018



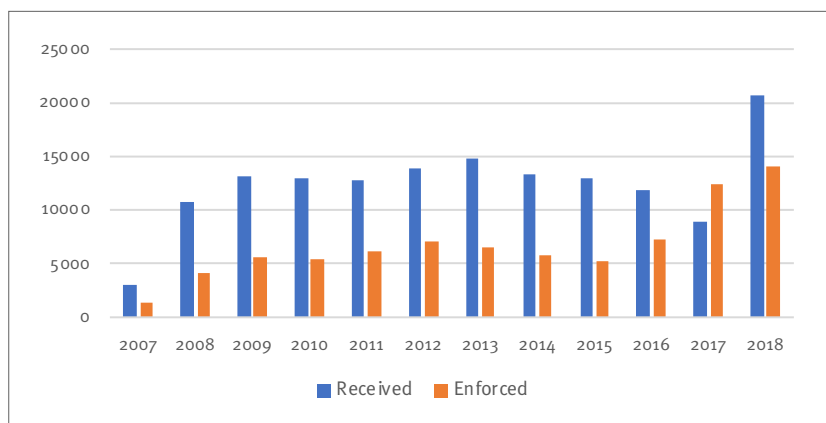
Source: Swedish Migration Agency. Delmi's processing. Note: The categories 'Dublin cases' and 'others' are not included but constitute less than two percent of all cases.

Measuring annually from 1999 to 2018, the proportion that is not enforced by the Migration Agency fluctuates significantly, mainly in number but also in proportion. In Diagram 12, this is illustrated by combining the categories where the Migration Agency does not enforce absconding, i.e. cases that are handed over to the Police,

and a smaller category of written-off cases. The proportion that is enforced varies between 30 and 60 percent during the period, yet no clear trend is noticeable.

When we turn to the cases reported by the Police, where data is only available between 2007 and 2018, a somewhat different picture emerges (also see section 4.4). Here, the categorization is different, and we make the distinction between received cases to be enforced and actually enforced cases, i.e. where the refusal of entry or expulsion was carried out. Diagram 13 illustrates that the discrepancy between received and enforced cases per year is considerable. There is a backlog because a case that appears in a given year can be enforced in a later year. On average, there are up to 50 percent more cases per year that the Police are commissioned to enforce, than the ones which are actually enforced. But the difference across years is considerable, and in 2017 almost 40 percent more cases were enforced than received, and the year before the proportion was the reverse.

Diagram 13. Police: Discrepancy between received/enforced cases, 2007–2018



Source: Data retrieved from Police's case management system¹⁷ and provided directly by the Police.

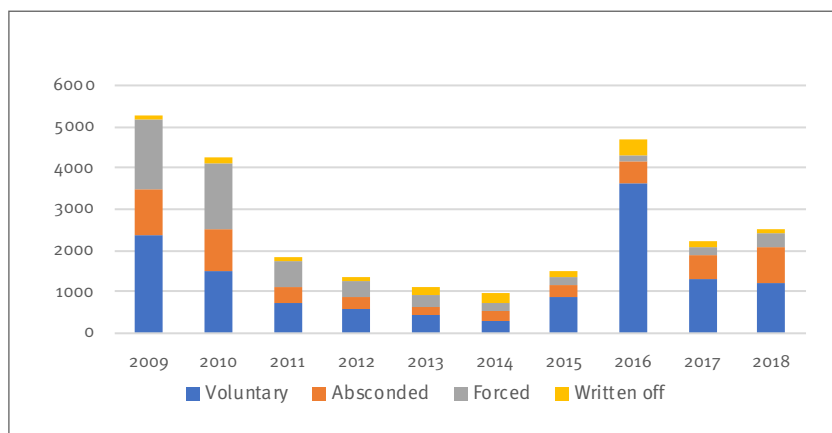
For various reasons, not least that reporting and categorization are so different between the Police and the Migration Agency, it is difficult to calculate, or draw

conclusions about, the degree of enforcement. Furthermore, we also know that the quality of the data has improved in recent years, which means that comparability over time is limited.

4.9 Differences between nationalities: Three cases

Section 4.6 drew attention to the geographical origins of returnees. If we focus on the three largest nationalities, Iraq, Afghanistan and Somalia, there are several interesting differences. Among the return cases that include Iraqi nationals, there is an increase in voluntary returns after 2014. In this group, both the number and the proportion of cases handed over to the police during the same period decreased, while the number of absconding cases increased.

Diagram 14. Return cases, nationals of Iraq, 2009–2018

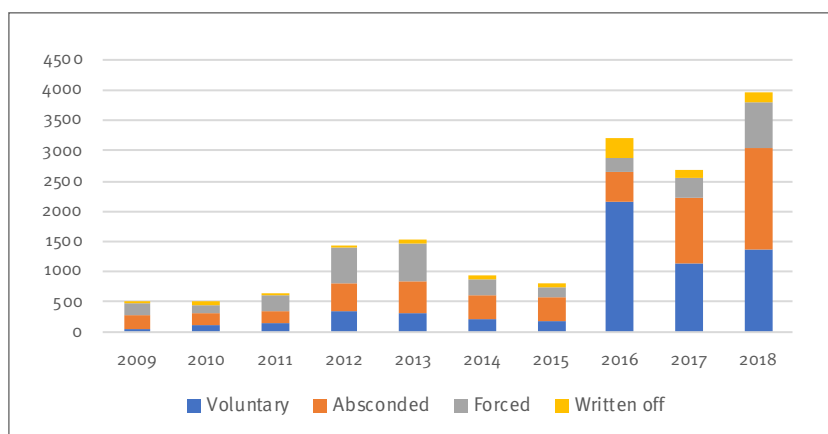


Source: Swedish Migration Agency. Delmi's processing.

Sweden has several readmission agreements with various countries (see Appendix II), which should facilitate the possibility of refusal of entry or expulsion to these countries. In some cases, we see an increase in voluntary return, for example in

those cases reported in Diagrams 14 and 15. For both Afghanistan and Iraq, there is a clear increase in voluntary return in 2016, in terms of both number and proportion. For cases involving nationals of Afghanistan, the number varies greatly during the decade shown in Diagram 15. Between 2015 and 2016, the number of voluntary departures tripled, but it is necessary to take into account that the number of asylum seekers from the country increased significantly at that stage.

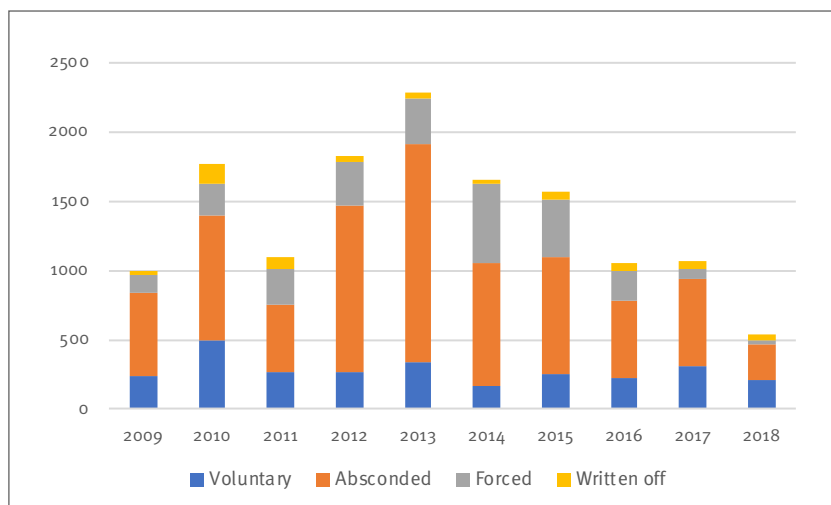
Diagram 15. Return cases, nationals of Afghanistan, 2009–2018



Source: Swedish Migration Agency. Delmi's processing.

Both Iraq¹⁸ and Afghanistan¹⁹ currently have valid readmission agreement with Sweden. The agreements have worked differently during different periods of time. According to international law, all countries have an obligation to receive their own citizens. However, some countries interpret this to mean that the obligation does not apply to citizens who do not return voluntarily, and this can have a significant impact on the outcome, i.e. how many people return. According to Patrik Engström, Head of the National Border Policing Section at NOA, for example, it is impossible to enforce non-voluntary expulsions to both Somalia and Eritrea.²⁰ The statistics for Somalia in Diagram 16 also show that the number of voluntary returns is very small.

Diagram 16. Return cases, nationals of Somalia, 2009–2018



Source: Swedish Migration Agency. Delmi's processing.

In the cases involving Somali nationals, absconding individuals represent a majority every single year during the period. There is no simple explanation for the high absconding rates. Besides the absence of a readmission agreement such as those reached with Iraq and Afghanistan, there are also a number of other factors. Some who have received a legally binding (final and non-appealable) decision may have returned without informing the authorities or moved to another country and applied for a different type of residence permit there.

4.10 Conclusions

Measuring the number and proportion of returnees proved complicated. The statistics are not fully reliable, due in part to different collection procedures, different reporting methods and different ways of categorizing. Although data quality has improved in recent years at both the Migration Agency and the Police, it is still difficult to know how many and in which forms those who have received a legally binding

order actually return to their country of origin. It is even more difficult to determine how many people are living irregularly in the country.

What we do know is that the number of returnees has increased significantly over the past two decades: From about 5 000 cases per year around the turn of the millennium to 20 000-25 000 in the 2010s, with an obvious peak in 2016. The proportion of voluntary returns has fluctuated dramatically – between 30 and 60 percent – and no clear trend can be identified. On average, the proportion of voluntary return was approximately 44 percent during the entire studied period, with approximately the same proportion handed over to the Police, and around one-tenth of all cases were written off, the majority in connection with the regularization in 2005–2006. The Police enforce their own cases as well as cases received from the Migration Agency and from the courts. The highest proportion of enforced cases, almost all, were from the courts while the proportion of enforced cases from the Migration Agency was lowest. It is notable that the Police's own cases have increased explosively in 2016–2018 without a corresponding increase for other categories.

It is difficult to assess trends and developments concerning the numbers and percentages of returnees. The large fluctuations in case volume are not always easy to predict. Migration flows into Sweden are an important factor, but the rates of granted residence permits is important for assessing the number of people who fall into the 'return case' category. When categorized based on geographical origin, a high proportion of return cases is found to currently and historically apply to migrants originating in Eastern Europe and the Balkan countries, not least former Yugoslavia. In recent years, Iraq and Afghanistan have accounted for a larger share. It is also clear that different nationalities have diametrically different patterns in terms of how many and in which forms the returns occur.

Endnotes Chapter 4.

1. https://ec.europa.eu/knowledge4policy/dataset/ds00039_en
2. A further aspect of the number of undocumented persons in Sweden is about the consequences of a temporary law introduced in November 2005, which provided great opportunities for asylum seekers whose applications had been previously rejected to be granted permanent or temporary residence permits. Over 30 000 applied under the temporary law and 18 000 were granted permission to remain.
3. For more information on the categorization of return cases, see Appendix III.
4. According to informants at the Migration Agency, there are individual-based statistics. However, the data we received from the agency was only based on cases.
5. Between 1999 and 2008, slightly more than one-tenth of all individuals had more than one return case registered.
6. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Beviljade-uppehallstillstand-oversikter.html>
7. In Dublin cases, the asylum assessment is taken over by another state in accordance with the Dublin Regulation.
8. The Migration Agency uses the same categorization for the cases that the authority enforces.
9. Police (2019c) <https://polisen.se/contentassets/5653ec9d78f84664a3c033603ca6a237/polisens-statistik-verkstalligheter-2012-2018.pdf>
10. Police (n.d.) <https://polisen.se/contentassets/5653ec9d78f84664a3c033603ca6a237/polisens-statistik-verkstalligheter-2012-2018.pdf>
11. We received different answers from the informants as to why there is such a dramatic increase in the pure Police refusals of entry between 2015 and 2018. One possibility is that this is due to the reintroduced border checks in 2015. Another possibility is that the increase is due to the in-country checks that have increased in number and become more effective.
12. Those who apply for and receive a change of track within two weeks of a legally binding removal decision are not written off but remain as open return cases, though not under the category 'active'. The same applies to those who have legally binding return decisions and who have been granted temporary permits under Act 2017:353 concerning resident permits for the completion of upper-secondary education. They remain as open but not active return cases. These categories – 'active' or 'not active' are not included in our statistics and can therefore not be reported in this study (Kristina Rännar, Migration Agency).
13. For more detailed data, see Appendix IV.
14. Serbia, and Serbia and Montenegro, are presented here as one unit. However, in the Migration Agency's statistics, they are presented as separate categories until 2013.
15. See Appendix V.
16. The UN, through UNICEF and the Council of Europe's Commissioner for Human Rights have criticized Sweden for shortcomings in asylum investigations for cases including children.
17. Police (2019) <https://polisen.se/contentassets/5653ec9d78f84664a3c033603ca6a237/polisens-statistik-verkstalligheter-2012-2018.pdf>
18. In 2008, Sweden signed a Memorandum of Understanding with Iraq. <http://www.aina.org/releases/iraqswedenagreement.pdf>
19. In October 2016, Sweden and Afghanistan signed a Memorandum of Understanding on the readmission of persons whose residence permit applications had been denied.
<https://www.regeringen.se/artiklar/2016/10/avtal-mellan-sverige-och-afghanistan-om-atertagande/>
20. This is how the Police work with expulsions. Police (n.d.) https://polisen.se/contentassets/023815b-f51c946d3ad82cd06b002ba39/sa_jobbar_polisen_med_utvisningar-nyhet_publicerad_2016-02-19-1.pdf&cd=10&hl=en&ct=clnk&gl=se

5. Understanding how to implement

The question of understanding how to implement is about ‘understanding the meaning of’, that is, understanding more in detail what the implementation is about. This is contingent, among other things, on decisions, goals and guidelines being communicated to relevant enforcing authorities and other bodies, and that there is no sharp discrepancy between what is said centrally and what is to be carried out in the field. We begin this chapter by discussing how decisions and policies are communicated. We then describe the goals of the policies, relevant conflicting objectives, and the prioritization of goals in return policy. Finally, we discuss what we have chosen to call ‘causal logic’, that is, the mechanisms that are expected to provide the intended results.

5.1 Communication back and forth

When the question of how communication deficiencies lead to information being lost within the state administration was raised by Tullock (1965), the contemporary mental image was of a hierarchical system where communication went from one level to the next, but with losses in every step and minimal opportunities to communicate upwards in the hierarchy. This is a simplified way of looking at public administration and with today’s opportunities for communication via email, along with less hierarchical organizations, the challenges are of a different kind.

One aspect highlighted by both internal and public investigations is the shortcomings in communicating different types of information. When cases are handed over by the Migration Agency to the Police, after a foreign national has absconded or refused to cooperate, the agencies lose some information during the transfer itself (National Police Board 2013:17).¹ Furthermore, there is a challenge in determining

when a process has been finalized at the Migration Agency and is ready to be sent to the Police. It is suggested, both in the informants' statements and in previous investigations, that the handover can take place both too early and too late (SOU 2003:25, pp. 69–70).

There were likewise several statements suggesting how decisions, rules and practices for different aspects of return efforts were communicated. This concerns not only top down communication within a Government agency or organization, but also communication in both directions. Several agency representatives provided examples of when information, fully or partially, stays within an agency, unit or division when it should have been communicated onwards: the more links in the chain, the greater the risk of transfer losses. Sverker Spaak, from the Migration Agency, points out that the Migration Agency, through its return liaison officers, has good knowledge of what is happening in individual countries, such as Afghanistan. However, this knowledge does not reach the front-line bureaucrats who directly communicate with individual asylum seekers.

Similarly, there are several examples of where the agencies are not allowed to communicate freely as information must not be disclosed due to privacy rules: *"The privacy rules need to be reviewed so that information can be shared about the returns between the different agencies and actors [in a way] that the procedures can be further improved... For example, in the REVA project, where there were many experiences that may not have been followed up and implemented properly"* (Eva Qvarnström, Prison and Probation Service's Transport Service).

Another aspect of the communication within and between organizations to solve a common task is the informal information channels that exist in different places. Tommy Grahm, Police, talks about the cooperation with the Polish authorities to determine the identity of people who might be working in Sweden and are located without a permit in the country and where it was previously required to have or obtain personal information channels with officials in Poland: *"...I would say that you solved a lot back then through personal contacts, you knew someone who you rang up. You didn't always know who you were calling, but you always got a good answer. These contacts live on to a certain extent, but we see that it's controlled a lot more"*. What is

being controlled a lot more are the information channels, which are more formalized than before, but there are still informal paths both nationally and internationally.

5.2 How are the goals of the policy understood?

In implementation research, the importance of the actors understanding the goals of the policy and the causal mechanism are often highlighted. To begin with, one might ask the question of how these mechanisms are intended to work within return policy. What is the understanding between the overall goals and means within return policy? Can the tools and policy instruments that are used be expected to solve the problems that seem to be noted? In a first step, we examine the governance documents and explanations of intentions that exist in the area of return.

Overall goals and governance of return work

We have chosen to compare the appropriation directions during the 2000s and 2010s for the two agencies with the greatest responsibility and authority in this area: The Migration Agency and the Police. To begin with, it can be noted that the language and the message have changed significantly in the official mandates. If we start with the Migration Agency, the main difference over time is that the emphasis, but even more the level of specification, has increased. In 2006, the directions stated in general terms that: 'return efforts shall be given special attention' and that implementation must be 'quality-assured' (Ministry of Justice 2006). No explicit objectives or measures are mentioned in this appropriation direction.

In contrast, the appropriation directions of recent years, particularly from 2015 and onwards, have a different emphasis on the issue and on reporting of what must be done to achieve the set goals. The 2014 appropriation directions contain an assignment that the Migration Agency, in collaboration with the Police and the Prison and Probation Service, must work on effectiveness with the aim of significantly increasing the number of enforced decisions (Ministry of Justice 2014). The following year, 2015, the assignment was to analyse the reasons behind the length of the

stay in the case of legally binding removal decisions (Ministry of Justice 2016:5). In 2018, there is an explicit reporting requirement on how the Agency is asked to follow up and analyse methods and incentives to increase voluntary return (Ministry of Justice 2018a:2). The stated objectives for return include some important components for completing the assignment: the identity of the people must be confirmed, the possibilities for supervision must be expanded and made more effective, detention must be improved and cooperation with relevant agencies must be increased (Ministry of Justice 2018a:3). One similarity between the 2006 and 2018 appropriation directions is that the child's perspective must be considered in return issues.

Return issues are not mentioned in the appropriation directions to the Police during this period at all until 2009, when the Government instructed the Police, the Migration Agency and the Prison and Probation Service to work together in order to provide an overview of efforts to enforce refusal-of-entry and expulsion decisions. The explicitly stated purpose was to be to increase the number of enforcements (Ministry of Justice 2009, p. 5). This assignment resulted in the REVA project being further specified in future appropriation directions. The three agencies would then jointly report what measures have been taken and what were the effects, and show how the measures could further improve and make the Police's work with enforcements more efficient (Ministry of Justice 2010, p. 5).

In two of the recent appropriation directions to the Police (2017–2018), the Government specifically points out that return work should be a priority (Ministry of Justice 2017, p. 5), which marks an increased ambition. There were also assignments to develop statistics in the area, as well as an interesting adjustment into the ways in which the Police should report the work with enforcement. The 2018 and 2019 appropriation directions use the wording: "...ensured that this work has been carried out in a dignified, humane, efficient, uniform and legally certain manner" (Ministry of Justice 2018b, p. 6).

Concerning the targets set by the Swedish Parliament for the entire Migration expenditure area, it can be noted that the targets adopted in 2001 were worded as follows: "that migration to and from our country can take place in orderly forms, that asylum rights in Sweden and in an international perspective can be safeguarded, that regulated immigration can be safeguarded, and that the harmonization of

refugee and immigration policy in the EU increases” (Riksdag 2018, p. 19). Although the Parliament reformulated and supplemented the overall goal on a couple of occasions, the question of return has been conspicuous by its absence. It should be noted, that the Government Committee for the Official Inquiry on Reception (SOU 2018:22), in its proposal for a new overall goal, added that the system would create the conditions for either establishment in Sweden or a rapid return to another country (Riksdag 2018, p. 18–20).

From 2010 return and enforcement issues are given higher priority, at a more general level. A new and substantial lift in priority takes place in 2015 in connection with the reception of many refugees. It can be noted that in its appropriation directions the Government clearly points out what should be done and how the enforcements should increase. It is also clear that the focus is on the efficiency aspects rather than on ensuring legal certainty and humanity in the process, but with an interesting exception in the 2018 and 2019 appropriation directions.

Achievable goals

If we instead turn to the operational level and examine how the goals and governance are interpreted by Government officials and front-line bureaucrats at the agencies, it turns out that they, by a wide margin, identify the tipping points that occur. And not least the rise in the level of ambitions after 2015. Several of our informants have also testified that return policies have received increased attention both in the ministries and among the agencies most closely concerned with these. The overall goal is to enforce more decisions, i.e. to achieve greater effectiveness. The objectives of legal certainty and humanity in the process are mentioned less frequently and appear to be more in the background. Different NGOs also experience that the goal was greater effectiveness in returns and that the rate of returns has increased from 2015 onwards. From their side, there is marked concern that the policy will be directed towards more coercive measures and that humanitarian aspects may thereby be disregarded.

However, front-line bureaucrats at both the Migration Agency and the Police are quick to add that the prioritization has indeed happened and that the goal is clearly

expressed – but how are these agencies going to achieve it? They do not feel that, at the moment, either the necessary resources or other prerequisites exist: *“...the Government has decided that we will prioritize return. It’s hard enough to force people to leave, but if we don’t even have the basic resources to take calls and handle cases, then it’s not possible to work well. All of the colleagues that I’ve talked to agree on this. It’s sort of the same everywhere in Sweden”* (Informant 1, Migration Agency).

When the prerequisites – first and foremost resources – are lacking, a feeling of frustration easily arises at not being able to achieve the goals: *“...we had a meeting here in Örebro with our border police a week ago and the picture they painted, I just thought “I do not want to hear this”. I’m just getting so incredibly worried. You go on your knees, you get no resources...You also know that the Government has said that this should be prioritized, you will get resources – but you don’t get them. They are overloaded with cases where we [Migration Agency] have also provided a workplace address, but you don’t have anyone who has time to go on these checks”* (Jessie Ahrdenberg, Migration Agency). This can be interpreted as a frustration on the part of the front-line bureaucrats at the agencies, who do not see how the targets can be met given the resources at their disposal and the prevailing conditions.

There are similar views among the higher-level officials at the agencies: *“...[it] says in every appropriation direction that we should increase voluntary return, but realistically, with the [existent]resources I’ve talked about, we can’t enforce all the decisions. Half of our decisions are not enforceable in practice. So, an increase is not possible. The decisions that can be enforced, we enforce – that’s it”* (Kristina Rännar, Migration Agency). At the same time, other officials at the ministry argue that the governance works and that goal attainment in terms of enforcements is good. Johan Malkan, Ministry of Justice, returns to the fact that surrounding circumstances must be taken into account in order to determine if the results are satisfactory and if the governance works.

5.3 Conflicting goals and goal prioritization

Conflicting goals are more of the rule than the exception when policies are implemented, and nearly all policy-areas have more than one goal. School should provide knowledge, but also fostering. Policy concerning predator animals should provide

for viable strains of wolves and bears, while also ensuring that the number of predators does not threaten people or domestic animals. Conflicting goals in one area are therefore completely and inherently natural and the decision maker often lines up goals that are then up to public administration to handle. Sometimes rules are decided centrally at the agency in question, and sometimes decisions slide down to the front-line bureaucrats out in the field.

The goals concerning return have retained roughly the same during a significant amount of time. This is, the objective is an increase in voluntary return and an increase in the enforced decisions. At the same time this should be achieved through humane and legally certain forms. There are also other parts of migration policy that could form the basis for conflicting objectives, and there are potential conflicting objectives within the scope of enforcement work itself that are worth mentioning. We have identified three different themes, which have also been extensively elucidated by our informants that influence implementation efforts: the possibilities to apply for a change of track, the possibilities to argue impediments to enforcement, and the regularization decisions.

Goals that conflict with each other

The work with enforcement at the two agencies that are primarily responsible for the issues, as well as the Prison and Probation Service's Transport Service, can have multiple goals, which can sometimes be at odds with each other. Different agencies could have different views of the goals. This was raised by a study report about feasibility for the REVA project. A high proportion of enforced cases could, for example, be in conflict with the goal of legal certainty, i.e. predictability in the process and equal treatment on the part of the authorities. An illustration of this can be observed when a person without a permit to stay in accordance with law and practice is to be detained, for example after an in-country check, when there are grounds for detention. At the same time, all actors in the system know that the number of beds in detention centres is extremely limited and the few spots that are available may need to be allocated, in a way that maximizes the chance of being able to enforce cases (Migration Agency, National Police Board & Prison and Probation Service 2010:20).

This specific problem with goals that are in conflict with each other is also an issue about capacity, in short, a lack of beds in detention centres (see section 6.2). The front-line bureaucrats out in the field struggling with these issues find different strategies for dealing with the conflicting objectives. The Police make an assessment of how great the chance is of being able to enforce the decision. There are certain rules of thumb depending on destination country and how well the person's identity has been confirmed. One particular category comprises convicted people with expulsion orders hanging over them. There is support in the appropriation directions for both 2018 and 2019 that this group should be prioritized. In other cases, an assessment of enforceability is often made based on the rules of thumb.

Tommy Grahn, from the the Police, says that the question of allocating spots in a detention centre has yet another dimension. Some of those who live irregularly in the country, with or without legally binding expulsion decisions, willingly wish to be taken into custody in order to gain access to food and lodging that they would otherwise lack. When there is no legal basis for detention – which after all is a coercive instrument – there can be humanitarian considerations to take into account. The Police assess the case considering whether this will facilitate enforcement work. Here arises a problem related to the division of responsibilities (see section 6.1) between different agencies and actors. Who has the ultimate responsibility for those who live irregularly in Sweden, who completely lack the means to support themselves, and who are waiting to return?

In the daily lives of front-line bureaucrats, certain situations create the need to determine how to weigh different goals against each other. What sort of means should one be able to use in the field to successfully enforce a decision, without breaking any law or practice intended to protect values such as humanity and legal certainty? Methods and approaches are tested time and again, as recounted by several of the informants at both the Migration Agency and the Police. Another source of tension exists between the agencies' right to use coercive measures to enforce decisions versus the right for individuals to not be subjected to restrictions of their freedoms. One case in which several front-line bureaucrats at the Police were called into question took place in 2015, when an attempt was made to forcibly repatriate

a pregnant woman to Kyrgyzstan. The assessment that was made, after a report to the Parliamentary Ombudsmen, was that the Police did not have sufficient legal support for the intervention, yet no criticism was directed at the actions of the individual police officers themselves (Parliamentary Ombudsmen 2016).

Double mission and double message – integration vs. return

Those seeking asylum have two possible outcomes in their process: a residence permit in the case of approval or return in the case of denial. Policies must take both outcomes into account. Previous research has identified a difficult balance between the so-called return perspective and the desire to integrate those who are allowed to stay. Informants at the Migration Agency describe the difficulties they experience in working for integration purposes during the period that the asylum seeker is waiting for a decision, while also having to take into account the return perspective. There is an important conflict of objectives, because integration is assumed to be based on work and self-sufficiency (Qvist 2008:52, 84).

This double mission, and that priority that has previously been given to integration efforts, is illustrated in an early interim report on the Government Official Report on enforcement, Verkställighetsutredningen I: “Although many asylum seekers will be leaving the country and they must be given the opportunity to prepare for this, the reception activities are designed to prepare for adaptation to Swedish conditions. If the Board of Immigration’s decision means that the asylum application is denied and the applicant is to be refused entry, the focus must be on working out concrete plans for a return” (SOU 1995:55, pp. 10–11). This very circumstance – prioritization between reception and integration – is recurring and is manifested in a number of ways. One illustrative example is how invisible return issues often are on the agencies’ websites. Another example is the large number of projects and initiatives carried out by various societal actors – not only the Migration Agency – for reception and integration. This can be compared with the very few projects related to return, in which the Migration Agency is often left alone along with the Police and the Prison and Probation Service, while other societal actors are conspicuous by their absence (discussion with Kjell-Terje Torvik, Migration Agency).

The risk when you have a double mission is that the asylum seekers perceive this as a double message. Several of our informants, including those outside the relevant agencies, also point out that the return information sent through the system is overshadowed by the second outcome, i.e. residence permit and integration. *“Up until 2015, the focus wasn’t on return but instead on reception and integration and ‘here come children who will live in Sweden’. Then came 2015 with all the children who came and there were considerably more... and it was of course children who had to return”* (Marie-Anne Karlsson, National Board of Health and Welfare).

Elisabeth Lindholm is the initiator behind the Strömsund Model, which is primarily aimed at unaccompanied minors. The model is based on, among other things, collaboration between different actors and a structured working method and prepares for all aspects of the migration process including rejection and return (Lindholm 2015). She shares the view that there is a problem with the double mission in the sense that return is not prioritized: *“Returning has not been an alternative that has been talked about at all. When we started with this, both children and adults were saying, ‘what, we’re not going home, are we?’ There was like no... you work, work and work for integration but you haven’t even looked at reintegration in the home country... but in fact, a rather large percentage of both children and adults have their applications denied. And our society has not been prepared to deal with this at all”* (Elisabeth Lindholm, Strömsund Municipality). Both these informants point out that the focus has not been on return, at least not before 2015. At the same time, the statistics in Chapter 4 (see section 4.7) indicate that 2012 was the year when the most return cases were recorded for unaccompanied minors. What happened with these unaccompanied minors who were to be removed then? Were social services not involved at all? Did the Migration Agency handle these cases on their own? These are some of the questions that we haven’t been able to pursue further in this study.

Possibility to change tracks

One illustration of potentially conflicting objectives can be taken from the possibilities to switch tracks in the system. The possibility of obtaining a work permit after a rejected asylum application has come to be called a ‘change of track’ and

is regulated in the Aliens Act 5:15 a. The person thus makes a change of tracks, i.e. residence permit for work permit, when a previous asylum seeker is granted a temporary residence permit for work without first leaving the country to apply. Track changes can also refer to other changes during the resident permit process, for example from asylum to family reunification and from student to work permit, but the most common is applying for a work permit after an asylum application is denied.

The opportunity to work during the asylum process without needing to apply for a work permit, was opened in 1992 for those with long waiting times. The purpose was to avoid passivity, which could impede integration (Government Bill 1993/94:94, p. 26). Around 2010, two legislative changes were enacted that broadened this opportunity, which in turn was part of the Government's efforts to get new arrivals more quickly into jobs, but also reduce the costs of refugee reception (Borg Jansson 2015:333–4). Already in the preparatory documents for the major labour immigration reform of 2008, a question was raised regarding how many would change tracks from asylum to work permits when the opportunity was introduced (Ds 2007:27). In the referral responses, many Government agencies and other bodies, including the Migration Agency, pointed out that the proposal could increase the number of asylum seekers who did not have grounds for protection and whose real motive was to work and to obtain a residence permit (Swedish National Audit Office 2017:25, p. 33).

Through the migration policy agreement between the *Alliance* Government – Centre Right coalition – and the Green Party in 2008, the possibility of changing tracks was expanded. The provisions became more generous and the application period was extended (Calleman 2015:291). The proposals drawn up by the Government were based on the Government Official Report on circular migration, which also found that this could make the return work more difficult and thereby more extensive (SOU 2011:28, p. 237). The Government and the Parliament were thus hardly unaware of the consequences that the track-changing possibility would have for return.

About one thousand applications were received in the first years after the reform, and the number of applications declined after 2010. Following the large refugee reception in 2014–2015, the number of applications increased dramatically, not

least from countries such as Georgia and Mongolia. The percentage of approved applications averaged about 38 percent, with significantly higher percentages in 2017–2018.

Table 2. Residence permits for labour market for people with denied asylum applications 2009–2018

Year	Received	Decided	of which approved	percentage approved %
2009	1,252	1,132	437	38.6
2010	1,117	1,080	478	44.3
2011	880	821	314	38.2
2012	684	848	201	23.7
2013	435	484	151	31.2
2014	617	428	158	36.9
2015	632	646	244	37.8
2016	1,266	566	193	34.1
2017	2,023	2,029	988	48.7
2018	2,112	2,765	1,319	47.7

Source: Migration Agency's statistics division and Calleman (2015:292). Note: As of 17 September 2019, 2,286 people had applied for a change of track.

With the implementation of the Blue Card Directive, which concerns highly qualified labour immigration to Sweden, in July 2013, an opportunity was introduced to appeal decisions on work permits and extensions to these. The number of appeals is large, but the percentage of modified decisions is very small, about 2–3 percent in each instance (Calleman 2015:300–301, Migration Agency statistics).

The track change possibility stands out in the research in this area as an extra chance to get to stay in Sweden for those who have had their asylum application denied and have had a job in Sweden. Frödin and Kjellberg (2015; 2017) showed that even those who did not meet the conditions for a formal change of track to labour immigrant could still obtain a work permit (informal change of track). These are often people who have stayed in the country during a lengthy process of apply-

ing for asylum, appeals, rejection decisions and notice of refusal of entry or expulsion – and then applying for a work permit from abroad. There are also many other variants of changes of tracks: for example, those who applied for residence permits as family reunification cases but got rejected and then tried to avoid refusal of entry or expulsion by becoming a labour migrant. A study of the hotel and restaurant industry in Stockholm indicates that 43 percent, almost half, of all work permits in the industry went to migrants who changed tracks during the process. The majority had backgrounds as asylum seekers (Frödin & Kjellberg 2017:90).

How do the track change opportunities affect the asylum and return processes? One of the tasks of a case officer at the Migration Agency is to provide information about this opportunity when notifying an applicant about a decision (Migration Agency 2019a). Informant 1 points out that case officers inform people who have had their asylum applications denied that this alternative also exists and that: *“there are a lot of rules involved with this”*. So many that the case officers have a hard time remembering them. The process *“also takes a lot of asylum resources”* and there is a risk that it will start to be exploited by certain groups – the informant gave examples from his experience. According to Informant 2, it happens that: *“people who have been here for a while and know how things go”* try to get asylum despite coming here for the purpose of working. But the other possibility also exists, namely that the applicant lacks detailed knowledge of how the asylum system works and how to obtain a residence permit.

One consequence of the now great opportunities for change of track is, according to several informants, that it puts a strain on the system. Kristina Rännar, from the Migration Agency, also points out that there is a risk of confusing operations by making the boundary between being asylum and job seekers more diffuse. By applying for asylum, one gets the opportunity to work and thereby a chance to stay in the country despite not having grounds for asylum. The broadened opportunities for change of track mean that a ‘no’ in the asylum process does not have to be a ‘no’ to stay in the country, which in turn means that those who have been denied have no incentive to prepare for return. A similar argument is presented by Mikaela Eriksson, Ministry of Justice: *“Coming here and applying for asylum can just be a*

way to legalize your stay and be here for a short time and do something else. This can be working or... our inability to handle these asylum applications very quickly makes it tempting to come to Sweden because you can legally be here for a long time”.

Impediments to enforcement

The opportunity to claim and have an impediment to enforcement² assessed occurs after a refusal-of-entry or expulsion decision has gained legal force. It should refer to new circumstances that have not been assessed before in the asylum process, either because it has happened since the decision was made or because the person in question has not told about certain circumstances that may affect the chance of residence permit. The asylum seeker must then have a ‘valid excuse’ for not talking about it before. This legal instrument also gives the person in question the opportunity to appeal a decision – first to the Migration Agency and then to a Migration Court. A practical impediment to enforcement arises when there is an obstacle preventing departure that is not political or medical in nature. A common example of a practical impediment to enforcement is that the home country in question does not want to receive the person or that the person is stateless (SOU 2017:84, p. 14–16).

The proportion of people claiming impediments to enforcement increased dramatically in the 2000s. Between 2006 and 2010, the number of assessed cases quadrupled. Despite the sharp increase, however, only a few percent of cases were approved each year. During the 2010s, the number of applications has fluctuated between 8 000 and nearly 14 000, but without any steady trend. The proportion of approvals has been noticeably higher during the 2010s, between 6 and 12 percent, and in numbers, there are between 700 and 1 500 impediments to enforcement granted per year.

Table 3. Impediment to enforcement cases, 2006–2018

Year	Number of assessed V-UT	Number of received V-UT	Number of granted V-UT	Percentage approved (%)
2006	3,410	-	146	4.3
2007	7,823	4,154	365	4.7

Year	Number of assessed V-UT	Number of received V-UT	Number of granted V-UT	Percentage approved (%)
2008	7,529	5,539	181	2.4
2009	9,693	10,027	431	4.4
2010	12,488	12,493	510	4.1
2011	11,653	11,731	708	6.1
2012	13,112	12,943	1,534	11.7
2013	11,034	11,251	804	7.3
2014	11,365	12,047	963	8.5
2015	11,019	10,842	1,152	10.5
2016	7,921	8,486	800	10.1
2017	8,884	10,277	685	7.7
2018	13,739	13,254	909	6.6

Source: Migration Agency Annual Reports 2006–2018.

The system of stating and examining impediments to enforcement was introduced with the Aliens Act of 1980, when the applicant could be granted a re-examination of their case in the event of new circumstances (Government Bill 1988/89:86, p. 113). In later legislation, the possibility has been expanded and what constitutes grounds for an impediment to enforcement has been specified. This is intended to meet the need for legal certainty and to provide protection that in many respects corresponds to the rules in Swedish law concerning *trial de novo* – the right to a new trial by a different tribunal – or, as it is called in the 1971 Administrative Court Procedure Act, ‘relief for substantive defects’. *Trial de novo* is a special legal remedy that under certain circumstances makes it possible to change a judgement that has gained legal force. In public administration cases, there are similar wordings that can also form the basis for a new examination of the case: “Relief for substantive defects may be granted in cases or matters if there are extraordinary reasons for reconsidering the matter owing to special circumstances” (Administrative Court Procedure Act (1971:291) 37 b§). At the same time, in proposals and preparatory work various governments have pointed to the risk that the instrument will result in many new applications where extensive resources will be required to examine finalized cases (Government Bill 1988/89:86 p. 114). There is thus a risk that it

is perceived as a more or less ordinary element of the process (Government Bill 2004/05:170 p. 223).

The question of how to deal with impediments to enforcement is important to nearly all of the actors we interviewed in the study. Tommy Grahn, Police, expresses the following: *"It may be so that by submitting impediments to enforcement, they can get new assessments and they feel that someone is doing something so they can keep hoping"*. Malin Köhler, Police, also emphasizes the problems associated with an already legally binding case being taken up again: *"It's great that there are so many instances and that it will be examined and so on, but you can be, like, 'vutting' endlessly"*.

Jessie Ahrdenberg, Migration Agency, also points out that the asylum seeker has no incentive to prepare for a return and that the process thereby becomes less predictable and thus also less legally certain: *"...then I actually don't think that we are meeting the legal requirements of both the Return Directive and the Aliens Act. This whole thing that a process must be able to be predictable... That's even difficult for ourselves [to know]. 'Wait, a closed enforcement case, but it's up as a secondary school case. Is she enforceable, or is she not?' How is the applicant supposed to understand all of this herself then?"* According to Informant 1 asylum seekers have very little hope of being allowed to stay at the stage where they state impediments to enforcement. Up until the final rejection notice on the asylum application comes, there is still great hope for an approval. But when the rejection comes, only impediments to enforcement remain as a last straw (Informant 1 Migration Agency). The action plan that was established after the Return Mission (2016) also raised the question of how VU-T was communicated. One risk considered to exist was that *"the alien [receives] incorrect or misleading information about the opportunity to apply for impediments to enforcement"*.

The statements from NGOs such as the Swedish Refugee Law Center, the Red Cross, the Stockholm City Mission and the Pillar of Support testify that support in issues related to impediments to enforcement is one of the most important activities conducted to aid and assist an asylum seeker. Gisela Thäter (Red Cross) provides examples of how work is carried out in practice: *"We help to make a final assessment*

of the asylum case, if it is carried out correctly, and if there is anything more to do, we help with reports concerning impediments to enforcement where we see that there are new reasons that have not been examined before”.

Opportunity for regularization – the Upper-Secondary School Act and its predecessors

The Upper-Secondary School Act (2017:353), which entered into force in July 2018, provided a new opportunity to acquire a residence permit for certain unaccompanied minors who wished to continue their studies at the upper-secondary level.³ Under the law, about 9 000 unaccompanied minors and other young people who had received a rejection in their asylum application could now apply for and be granted with a 13-month temporary residence permit if they met certain criteria (Government Bill 2017/18:252). The law should be put into context: The previous year had seen many demonstrations and public outcries in support of primarily unaccompanied young Afghans, who had had to wait a very long time for a decision when the reception system was under pressure due to the large number of asylum seekers in 2015-2016.

Although the Upper-Secondary School Act does not affect a particularly large proportion of those who were to return, the law meant that even people not covered under it could submit an application. Once the application is submitted, it constitutes an impediment in the process until the matter has been decided and the decision has gained legal force, i.e. is final and non-appealable. Anyone with an enforceable removal decision can thus delay enforcement and, according to the Police, this is often done, which in turn hinders the work (Police 2018a:2).

Kristina Rännar, Migration Agency, also points out that the law was an example of something that created a great deal of uncertainty surrounding return work: *“It’s enough that we say that a no is a no, but then a no becomes a yes. That puts us in a very difficult situation when we have said that it [the decision] has to be respected and then suddenly that’s not the case”.* Informant 2 is worried that the Upper-Secondary School Act will have undesirable consequences: *“It’s something that’s blocking up our work. It’s coming before we have guidelines and support for how*

we are supposed to deal with it". Elisabeth Lindholm, Strömsund Municipality, says that the law, in addition to being unfair, sends out ambiguous, and thereby wrong, signals: "It is inconsistent and unfair, extremely unfair legislation...I hear from many young people and from representatives of civil society perceived [that] this is basically amnesty".

Marie-Anne Karlsson, from the National Board of Health and Welfare, expressed something mentioned by several informants, namely that the Upper-Secondary School Act is difficult to understand and thus problematic: *"The legislation in itself is complicated. Hard to interpret, hard to understand. If it is so difficult for us, the agencies, to understand, then it must be even more difficult for the young people to understand. And maybe also the people, often volunteers, who are helping the young people understand what they are entitled to".* The National Board of Health and Welfare has also raised this issue concerning unaccompanied minors in general, and the Upper-Secondary School Act in particular, with various agencies and NGOs. A survey conducted by this agency indicated that while the municipalities certainly claimed to have good knowledge of dealing with the issue of maintenance support and education placement under the Upper-Secondary School Act, housing for the group was more difficult to manage (National Board of Health and Welfare 2018).

The Migration Agency's report on the temporary law in previous regularization decisions (2005–2006) pointed out that the law and its origin gave varying experiences. For return efforts, it brought serious problems. Before the temporary law came into force, there were clear tendencies for more people to abscond because they likely expected another refugee amnesty, and those who were not granted a permit under the temporary law also absconded to a large extent. It thus became more difficult to convince those with legally binding decisions to leave the country. Return work was stopped completely for a period as a result of the work with the temporary law (Migration Agency 2006b). Perhaps the experiences surrounding that temporary law were still fresh in the memories of the employees at the Migration Agency, because the referral responses⁴ to the Upper-Secondary School Act point to about the

same negative consequences: an increased difficulty in motivating people to return voluntarily and increased burden on the agency, which caused other assignments such as return, to suffer (Migration Agency 2017b; Migration Agency 2018c).

5.4 The causal logic – voluntary return but how?

We have previously held that decision makers and implementers should have a proper understanding of the causal mechanisms in the policy area in order to be able to implement. By this, we mean the mechanism or mechanisms that are expected to provide the intended result. Efficiency i.e. the proportion of enforced removals, seems to be the most important problem identified and which has been given higher priority since around 2010. What is then the logic for better achieving the desired goal? Both lawmakers and the agencies responsible for implementation have made it clear that the goal is getting more people with legally binding decisions to return independently and voluntarily. Although rarely explicitly stated, the consequence of having a system based on voluntarism – when the target group can be expected to be less inclined to comply with the refusal decision – is that there must be reliable possibilities for sanctions.

If neither the motivation nor the “carrots” are enough, there are various kinds of measures that can assist those implementing the return. The possibilities for sanctions themselves can fulfil two purposes. On the one hand, the sanctions could make it easier to enforce the refusal-of-entry and expulsion orders themselves. On the other hand, the sanctions may provide greater incentive for those with refusal-of-entry and expulsion orders to accept the decision. Given the breakdown in Figure 4, it is reasonable that the instruments in the upper left-hand box, active sanctions, could fulfil both purposes, while passive sanctions only have effect via the incentives. The sanction instruments are mainly imposed against the group who, at some stage, chooses not to cooperate, while the support instruments are primarily directed at those who cooperate with the authorities.

Figure 4. Passive and active support and sanctions for returnees

	Sanctions/Penalty	Support
Active	Detention or supervision, forced return	Financial support, reintegration support, skills development and practical help
Passive	Reduced/suspension access to work, housing and social benefits. Re-entry ban	Information on opportunities, return dialogue

How have earlier investigations and governing documents handled these questions? The Government bill that formed the basis for SIV, later the Migration Agency, took over from the Police the responsibility for enforcement : “Through its continuous contact with the alien, the Board of Immigration can, through various types of interventions, motivate the person who has been refused entry or expelled to voluntarily return” (Government Bill 1997/98:173, p. 37). This has been repeated in almost all important governing documents since then: preferably voluntary or independent voluntary return, and if this fails, forced return through increased coercive measures by, among other things, increasing detention capacity and improving routines and processes.⁵ The key to a successful outcome, in the sense of more enforcements, lies in being able to use the policy instruments available to the implementers: carrots, sticks and sermons (Vedung 2016). Two of the most important means then are detention, which belongs to the category of sticks, and the return interviews, which belong to the category of sermons.

Is voluntary return dependent on coercive measures?

A fundamental question is whether voluntary return is dependent on effective sanctions such as detention or re-entry bans. How much of the stick is needed in the system and, if needed, why? An important part of the logic is not always expressed but comes up in interviews with officials and front-line bureaucrats at the relevant

agencies. Support can also be found in existing research. The evidence suggests that coercive measures do have significance in getting migrants to choose to voluntarily leave the country. Quantitative studies from different countries, including Norway (see Oslo Economics 2016), provide some support for this hypothesis.

As an instrument within return policies, detention centres must fulfil several functions: People are placed there primarily to be available for expulsion (enforcement detention). In addition, there is also the possibility of detaining people whose identity or permit to be in the country is unclear, thus providing the opportunity to, for example, determine the identity of the person (investigative detention). One reason for detention is that the person in question avoids contact with authorities and when they are found, for example in an identity check, the detention centre is the coercive measure used to make the person more cooperative (Migration Agency n.d. c, Migration Agency 2017c, SOU 2011:17, pp. 82–85).

The assessments towards the significance of detention differ to some extent. The premise is that voluntary return cannot be resolved without incentives but must be supported by coercive measures. The authorities must therefore signal that, as a last measure, the person may be detained for both identity verification and enforcement. One informant stated that when there is such an explicit link: “...*we believe that voluntary return is dependent on the existence of an effective forced return*” (Mikaela Eriksson, Ministry of Justice).

Previous research depicts Swedish detention centres as maintaining high levels in an international perspective, with high staff density, qualified personnel managing the units as well as few elements of coercion. This is probably a consequence of the stipulation that Swedish return policy, and migration policy in general, should not only be effective but also humane. The endeavour to be humanitarian also characterizes investigations and governing documents (see SOU 2011:17, pp. 22–23) and can therefore counteract one of the purposes of detention: “...*detention centres have been talked about for many years as a scary place, a deterrent, that makes people not want to come to Europe. But people come to Europe anyway ...I don't think, in general, that this has an impact, that it scares them into returning voluntarily, because it's not that scary ...*” (Niclas Axelsson, Migration Agency).

Despite the authorities' efforts to make the detention centres, and the other coercive measures available, less prison- and less punishment-like, the main function remains keeping the person available for a future identity investigation and/or enforcement. But it is not entirely so cut and dry that detention actually affects return in the expected direction: *"For me to feel that what we do... leads to the outcomes I am looking for, I must be able to see a result of increased detention operations. That this leads to more returns, that this has that effect. And the answer, in short, is no. That doesn't need to mean that it hasn't had any effect... but I can't see that just now"* (Milot Dragusha, Ministry of Justice).

Motivation through return dialogues

The so-called return or motivational dialogues have received attention on several occasions and the motivational part of these was also one of the reasons why the responsibility for enforcement issues was transferred from the Police to the SIV. In the Government bill, it was argued that SIV had completely different prerequisites than any other authority to motivate the foreign nationals who were not permitted to stay in the country to return: "Through its continuous contact with the alien, the Board of Immigration can, through various types of interventions, motivate the person who has been refused entry or expelled to voluntarily return" (Government Bill 1997/98:173, pp. 36–37). But already in the final report of the Migration Agency applicant survey, which began in 2000 and ended in 2003, it was noted that there were problems in these activities. A report from the Director General at the agency spoke in terms of 'regular motivational dialogues' to provide the asylum seekers with readiness for action (National Board of Immigration 1998). The final report also shows that the case officers at the agency reported that they did not have time to carry out continuous motivational dialogues because there were no guidelines for these discussions and the case officers were left to create the content for these dialogues on their own. The receiving case officers also did not think it was justified to discuss a return before the appeal had been processed and a decision was made. The question of return was raised only when there was a legally binding decision to refuse entry or expel, or in connection with the expiry of a temporary residence permit. It was instead the case that several people who had returned to Bosnia had themselves initiated a discussion on return (Migration Agency 2003:8).

In the Migration Agency's updated manual, it is clearly stated that the person's attitude is crucial, which makes the motivational work meaningful. Informing the applicant of a possible decision early in the process, and being clear and articulated, is stated as being important in inducing a person to return voluntarily. But if this does not happen, the manual lists measures that can be taken to exert pressure: a re-entry ban, reduced compensation and the risk of being placed under supervision or in a detention centre (Migration Agency 2019b: 5–6). The case officers have dialogue record forms and guides to assist them. The return dialogues also have additional purposes besides being motivational. The dialogue is also an opportunity when the case officer can make an assessment of whether the person will return voluntarily or if coercive measures must be used (Migration Agency 2018b:4).

What do the informants say about the return dialogues and the opportunity to motivate? It can be noted that two of the front-line bureaucrats at the Migration Agency seem to have little confidence that it is possible to motivate people who do not want to return to do so: *"The experience is that if the person has decided not to cooperate, we are quite powerless. There has been a lot of talk that we should have quite a few dialogues in order to motivate people, but my experience is that this may not help"* (Informant 1, Migration Agency). One problem is that different messages are relayed by different actors in the process: *"You work to motivate, but there are of course limits in terms of resources and also opportunities. We are just one of all the people that this person meets – the others may be saying something completely different. It is decidedly difficult to reach them and be heard"* (Informant 2, Migration Agency).

Management at the agencies are aware of the difficulties of motivating. Two perceptions of motivational efforts seem to compete: On the one hand, that relatively little time is spent on these efforts and that they come in (too) late in the process. On the other hand, there is the perception that the motivational efforts (regardless of when they are introduced) have little significance for the willingness to return. When the efforts are successful, there is some tendency to choose to see it as a skill or talent that some individual case officers have, but not others: *"...some case officers ... are wizards at holding these discussions, for some reason they have very good results with the methods they use"* (Magnus Bengtsson, Migration Agency).

On the part of social services, there is a desire to work more with motivation as no such work is currently being done (Group discussion City of Stockholm public administration). Other informants feel that asylum seekers do not receive accurate or adequate information in these dialogues. This means that they do not understand what a return entails after a completed asylum process: *“But in general, they have poor knowledge of what happens after a refusal and there is a lot of talk about... ‘well now I have to wait four years then I can apply again. Now the impediment to enforcement process starts... Can you go to the European Court of Human Rights?’ There is a blind faith, maybe not among the applicants themselves but above all among contact people who have a blind faith in international courts”* (Anna Lindblad, Swedish Refugee Law Center). The return dialogues thus do not completely remove the hope of winning the case in other instances and processes and being granted permission to stay. Owing to this, the applicants’ incentive to return would be expected to be weakened.

5.5 Summary conclusions

The overall theme of this chapter is how the implementers understand the decisions and policies to be implemented, that is, understand the meaning of what objectives are to be met and what is to be achieved. In previous studies of the practical enforcement work, such as Borrelli (2018a), there is also evidence of communication deficiencies, which can partly be explained by the phenomenon of ‘the whispering game’, i.e. that communication in each link of the policy chain and the exercise of authority is distorted or misunderstood – whether downwards or upwards. Parts of this, have to do with confidentiality rules that make it impossible for all the actors involved to understand the entire complexity of the case. We can also note that there are many potentially conflicting objectives for return policies that front-line bureaucrats and officials face, both in the enforcement process itself and in relation to other migration policy goals. One such conflict can arise between the goal of effectiveness and the other two often-mentioned goals of humanity and legal certainty. There is also a causal logic with carrots, sticks and sermons that the administrative link of the chain do not really believe to be effective.

In the interface with integration policy, there are clearly conflicting goals. First, the Migration Agency has a dual mission: integration and early establishment for those who receive a residence permit and return for those whose applications are denied. With the strong ambition for early establishment in the labour market, return efforts always run the risk of being neglected.

The possibility to change tracks, usually by applying for a work permit after an asylum application has been denied, is partly related to the politicians' goal of rapid establishment in the labour market. By changing tracks, the migrant gets an extra chance to stay and greater incentives to work regularly during his/her asylum application. The possibility of stating impediments to enforcement should be seen as a way of satisfying the legal certainty of the asylum process, that is, new circumstances may emerge at a late stage which should be taken into account. Yet in the return process, track change and impediments to enforcement are instead viewed more as fallbacks to get to stay in the country. This is certainly an appreciated element among those whose asylum applications have been denied, but for the Government's front-line bureaucrats, this constitute an obstacle in the communication with persons who have received a rejection.

Regularization is an instrument that could be interpreted in terms of humanitarianism, or at least those who argue for regularization usually cite such reasons. The last two regularizations, 2005–2006 and 2018, took place against the backdrop of an emerging shadow community, with large groups of irregular migrants living under extremely precarious conditions. In such circumstances, regularization, that is, the possibility of an extra examination, means that those who manage to struggle and live irregularly get an extra chance.

Many of the conflicting objectives discussed above have an impact on return policy because they send a signal throughout the system – to officials and front-line bureaucrats as well as to migrants – that a no is not always a no. When one allows and encourage people to work, one offers them a ticket into society, but at the same time this makes it harder to accept a rejection decision.

Consistent application was brought up as early as in the 1997 Government bill that transferred responsibility for enforcement. The fact that SIV staff had had contact with the applicant was considered an advantage when the authority was to enforce the decision. The bill further points to the following fact: “For the work with return to be conducted effectively, it is also necessary that legislation concerning aliens and its application are consistent. Anyone who has been denied a residence permit must receive clear notification that the legally binding refusal-of-entry or expulsion decision is final” (Government Bill 1997/98:173, p. 37). Terms such as ‘consistent’, ‘clear’ and ‘final’ do not seem to be those used by officials and front-line bureaucrats concerning the current situation.

When it comes to the motivational efforts that can be designed as sticks (detention), carrots (return support) or sermons (return dialogues), the intention is to encourage more people to return voluntarily and to loyally comply with set rules and time limits. The sanctions can also act as a kind of incentive, but another important purpose of the active sanctions or sticks that exist in the system is to make legally binding rejection decisions easier to enforce. The reasoning among the informants and the logic in the system indicate that voluntary return cannot be expected to stand on its own, but it is dependent on some sort of coercive measure to function effectively.

In relation to research in the field, there is a clear link to the numerous studies illustrating how difficult it is to meet the migration policy goals. The issue of lack of goal attainment – the constant theme in migration policy – has its counterpart in the area of return. Governments do not have one but many goals concerning migration policy. Therefore, several considerations must be taken into account and different targets are to be met. A clear problem that needs to be dealt with is the question of how those in the implementation link of the chain should understand and interpret the trade-offs between different goals, both quantitative and procedural.

Endnotes Chapter 5.

1. It should be mentioned that the investigation also indicated shortcomings in the quality of the cases handed over.

2. This is often referred to among those we interviewed as V-UT, 'vutting', or '12:18' called after the chapter and the section in the Aliens Act where it is dealt with.

3. Also see 16e in Act (2016:752) on temporary restrictions of the possibility to receive a residence permit in Sweden – often called the 'temporary law'.

4. Referral responses "remissvar". After the recommendations of a commission of inquiry are made public, and before the Government adopts a position on such recommendations, the whole report is referred for consideration to the relevant bodies. These referral bodies may be central government agencies, special interest groups, local government authorities or other bodies whose activities may be affected by the proposals.

<https://www.government.se/how-sweden-is-governed/swedish-legislation---how-laws-are-made/>

5. It should be mentioned in this context that 'forced return' per definition takes place when the Police take over and enforce the case. Does this take place through the use of force or not? As described in section 4.4, a large part of the Police's own enforcements take place without actual force or coercive measures, but rather in the form of individual travel without the involvement of either the Police or other Government representatives.

6. The ability to implement

Ability, the other link in the trio of concepts, understanding – ability – willingness, is about having the capacity to act based on decisions that are made and on policy objectives. Capacity, in turn, is dependent on having material resources as well as knowledge and skills. This chapter will focus on the implementation problems that we have identified within the sphere of ‘ability’.

In order to implement, one also need a clear and explicit division of responsibilities between the actors involved. One important factor is to have a uniform implementer, preferably an actor, i.e. the agency in this case. But as we know, the ideal case does not exist here. On the contrary, the return policy area is divided into three main agencies, of which the function of the Prison and Probation Service’s Transport Service has more of an auxiliary nature. In addition, the implementer has an interest and need to collaborate with other actors as they can provide, for example, knowledge, logistics or other important resources needed (Sannerstedt 2001:39-40).

6.1 Division of responsibilities and cooperation between the actors

Cooperation between the Police and the Migration Agency

When discussing the division of responsibilities in the area of return, it is natural to begin with the relationship between the two main responsible agencies: The Migration Agency and the Police. Establishing an effective division of labour and forms of collaboration would seem to be fundamental. In the interim report to the Government Official Report on Enforcement I, the question raised was about the collaboration and information exchange between the Migration Agency and the Police

on issues such as travel patterns, border and in-country checks (SOU 1995:55). But overall, what the Government Official Report on Enforcement was describing was a refining of the existing tasks. The intention was to address the lack of effectiveness and other difficulties identified by the commission of inquiry when different agencies were cooperating in the enforcement of decisions (SOU 1997:128, p. 47).

Of all the issues raised in internal supporting documentation and investigations by both the Police and the Migration Agency since the enforcement responsibility was transferred, the cooperation between the authorities is mentioned very often. What works and what does not work? To begin with, it can be noted that the interfaces and the division of responsibilities have countless components that need to be managed and which are subject to regular review.

One problem arises in that the two agencies have different principles for their case management systems. The Migration Agency's cases are based on individual persons¹ while the Police use case numbers, which makes it difficult to follow a person through the systems. This, in turn, affects the quality and comparability of the statistics, which cannot always be used for their intended purpose (see section 4.2). Moreover, the Police and Migration Agency's systems do not communicate freely with each other when it comes to the process of fingerprinting foreign nationals, which can establish identity (dactyloscopy). There is no direct connection between the systems and, for a variety of reasons including that the Migration Agency's ID unit has different opening hours than the National Forensic Centre, problems can arise at border checks (Migration Agency 2016b). Furthermore, there are confidentiality rules that pose obstacles. In order to be able to coordinate the registers, the person to whom the case concerns must be convicted or suspected of a crime for which the penalty of imprisonment can be imposed (Malin Köhler, Border Policing Section).²

In some respects, the cooperation may run into problems because different agencies make different assessments, which then makes it difficult to actively implement decisions. The division of responsibilities can be unclear when it comes to following a decision one does not support. Here is an example from the Prison and Probation Service's Transport Service: *"We have had a great deal of challenges re-*

garding everything that has to do with the Prison and Probation Service when we want to place someone there, they're not really in a position to choose. We have the tool through legislation and the mandate to say that 'this person is a security risk with us and we are placing him in the Prison and Probation Service'. Then they said that 'no, we don't share your assessment and he can't come here', and then I feel that, well, you aren't an appeal instance in relation to our decisions, our decisions apply and you can then, like, appeal in front of the courts" (Niclas Axelsson, Migration Agency). Yet while the information sharing does have flaws according to several statements from the front-line bureaucrats, there are still several examples of good cooperation between the agencies. Updates and adjustments are regularly made to the division of responsibilities in order to accommodate new circumstances.³

Involvement of other public actors

Although the Migration Agency and the Police are the two agencies with the greatest responsibility in the area of return, there are other public actors, not least government agencies and municipalities, that could play an important role. This may involve the opportunity to exchange information among themselves, to provide support and guidance for those in the return phase, or to provide practical assistance to irregular migrants in need.

Already in the Government Official Report on Enforcement I (1997), several areas were pointed out in which authorities could exchange information in order to enforce decisions. This was exemplified in that the Tax Agency would be required to notify the SIV and/or the Police in cases of impediment examinations prior to marriage or partnership, but opportunities were also seen to use the Public Employment Service and the Tax Agency in the event of suspicion that an employer was hiring foreigners without permits (SOU 1997:128, pp. 123–4). To some extent, there is also a statutory obligation for other agencies, employers and courts, to assist, the Police and the Migration Agency in their enforcement work (SFS 2006:97, 7:1).

Another actor of interest are the municipalities. They could, among other things, play a role in meeting more humane aspects, not least in the enforcement of decisions concerning unaccompanied minors, or people with considerable need for

care. In the case of this former group, the social services in the local municipality have a statutory responsibility for both housing and livelihood as long as the unaccompanied person resides in the country. Finally, the coordination responsibility for unaccompanied minors is delegated to the County Administrative Boards in 2016 should be mentioned. The task was to, in collaboration with other relevant agencies and actors, conduct a national survey of unaccompanied minors who disappear and propose preventive measures. Both preventive measures and rapid action are required when an unaccompanied minor disappears. But because this work takes place on several different levels, collaboration and coordination become more complicated. One result from the report was that a so-called low-threshold operation was established in which the Stockholm City Mission started an initiative using discussions and motivational work to create the confidence and necessary trust to get the group to accept support within established structures (Amir Hashemi-Nik, Stockholm County Administrative Board; Stockholm County Administrative Board 2016:10)

In connection with the REVA project, a review of the Police's ability to carry out in-country checks on a fair, legal and equitable basis was performed. In general, the findings indicated that the Border Police Sections in the four counties surveyed had extensive and advanced cooperation concerning checks and other operations with several different agencies with other assignments: This primarily concerned the Tax Agency and the Migration Agency, but also the Social Insurance Agency, Customs and municipal administrations (National Police Board 2014a). Sometimes ways of cooperating are needed that aren't always in line with customary approaches. Tommy Grahn, Police, gives an example of how they previously had good cooperation with the housing companies: *"We had [contact with] the housing companies when I was working on in-country checks. That was maybe because we were at certain addresses frequently, and then we contacted the company and said: 'Do you know about this? No, oh that's great'. We had a line then, but then it died. So, it became a little more on our own basis"*.

In the case of the social services, there is a potential conflict of goals, this time between effectiveness and humanity. A concrete example can be observed in the

request by the Border Police Section in Region South in 2016, who wanted to obtain contact information from the social services in Malmö. As an administrative body, the social services are subject to strict confidentiality because persons seeking help should not lose confidence in the services and thus, they may not dare to accept the assistance provided. The case was examined by the Parliamentary Ombudsmen, who determined that the social services were obliged to disclose the requested information, even though this concerned families with children (Parliamentary Ombudsmen 2017b).

Children have in many contexts been considered more worthy of protection than adults, and the bill concerning the Convention on the Rights of the Child, where similar issues had been raised, was used as a basis for the Parliamentary Ombudsmen's decision. The consideration that was made there was that the state could not be expected to ensure the same rights for children who were kept in hiding and thereby living irregularly in Sweden. In the Government bill 1997/98:182 (pp. 12–13), it was found that unreasonable situations could arise if one authority was required to enforce a decision to refuse entry or expel a child, while another authority was required to secure all of the child's rights under the Convention on the Rights of the Child.⁴

Based on the statements of the informants and above all the front-line bureaucrats, there is a call for greater collaboration between different agencies for a variety of reasons and in a variety of different areas. In the operations, and in particular Police operations, the problem raised is how to handle people and groups who may be in great need of social services or health and social care, when they have enforceable expulsion orders. The Police are expected to handle the enforcement but have neither the knowledge nor the resources in these cases. In the case of Sigtuna Municipality, which takes care of those who are expected to travel home via Arlanda, the social services have no means to handle these cases. Such situations can still be resolved between front-line bureaucrats who decide to cooperate and find solutions. However, there is a lack of established formal structures.

One important issue raised by several informants is that agencies and administrations have no clear role in relation to persons in the return phase or persons who are residing irregularly in the country. For unaccompanied children and young people, the social services in each municipality have a responsibility to both prepare for integration in Sweden in the case of being granted a residence permit, but also to prepare for return in the event of a rejection (Backlund et al. 2014). There is otherwise very little contact between the social services and the group in question. At the municipal level, in Stockholm for example, there is an outreach operation that sometimes finds children living irregularly in the country, but there is no responsibility to reach the group and no training in how to approach or provide them with information (Group discussion City of Stockholm public administration).

6.2 Resources and capacity

Successful implementation requires actors to have enough capacity in the form of material resources, such as personnel, equipment and premises, in order to implement the political decision. The issue of capacity is an important factor that is often addressed in implementation research, including in Sören Winters's (1994) implementation model, and will be addressed in this chapter (also see section 5.1). The influx of resources is always dependent on some form of prioritization that is to be made. This applies to everything from the state budget, when different spending areas and then the agencies get their appropriations, to how the front-line bureaucrats in the field allocate their physical working hours between different tasks.

The question of whether there is a lack of resources – or whether these resources are incorrectly prioritized – to execute the decisions taken in return cases has been discussed in various investigations since the late 1990s. The Government Official Report on Enforcement II provides examples of how different prioritizations and resource shortages can be seen as two sides of the same coin. The Migration Agency's officials and regional coordinators pointed more to the fact that the Police gave enforcement matters too little priority, while the Police's own view was that there were not enough resources for these cases (SOU 2003.25, pp. 71, 85).

The informants often mention that sometimes resources are lacking and sometimes the wrong prioritizations are made in operations. Many statements indicate that representatives of the two enforcing agencies more often state that the business is under-dimensioned. One example of this is from the Border Police in Stockholm, where Section Manager Jerk Wiberg testifies that the unit does not have enough staff for these tasks due to other management priorities.

The ministry officials who were approached more often point to the extensive resources that are actually allocated to return, but here too there are voices claiming that the distribution of resources is a problem: *“When...a lot of people are coming in during a short period of time, the process can be shaken because it is difficult to allocate resources correctly, and so you might want to register the case quickly and then focus on the asylum examination. You may not have had enough resources or have had time to spend enough resources on hiring enough case officers”* (Milot Dragusha, Ministry of Justice). Another thing Dragusha mentions in this quote is an important factor briefly discussed in Chapter 4, namely, the large fluctuations in the number of cases. Both front-line bureaucrats and officials point out that operations are difficult to plan for this reason, which can affect, among other things, long-term planning and sustainability in the work.

What can also affect long-term planning and sustainability is the control that different units have over resource allocation. The picture drawn by several informants is that those responsible for return operations, both at the Police and at the Migration Agency, do not control the flow of resources for activities linked to return. In order to channel more resources, one must convince, for example, regional managers in different places to allocate these.

The detention centre as a bottleneck in the system

One issue that has been at the core of the debate regarding resource scarcity in return work is the detention centres. The supposed lack of detention centres is often highlighted as one of the main reasons for the Police inability to remove more people who have received a refusal-of-entry or an expulsion decision. What is the situation in terms of number of spots at detention centres over time?

The number of spots in detention centres has doubled in less than a decade, from 235 in 2011 to 457 in 2018/19 (internal statistics provided by the Ministry of Justice). Yet the capacity of detention centres is often a recurring issue and there are many indications that the detention centres function as a bottleneck in the system. Among other things, this is expressed by many of the informants. Patrik Engström, Police, for example, argues that the Police could carry out more workplace checks than are actually carried out – and new legislation has also made this possible (Government Bill 2017/18:176). The reason why the checks are not carried out is because the detention centre does not have the capacity available to hold the people who can then be expected to be found.

Do detention centres capacity have the expected effect on return then? Most of the informants are of that opinion, but there are exceptions. Milot Dragusha, Ministry of Justice, who has looked into the issues, says that there is not sufficient evidence that the doubling in numbers in the latter half of the 2010s has actually increased return. The shortage of detention centre spots can also be set in relation to how the spots are used. Informants from both the Police (who have access to the lion's share of the spots), and the Migration Agency testify that each spot is extremely valuable, which means that a thorough assessment is performed each time a person is to be detained.

Cooperation with NGOs – ambitions and ambivalence

The cooperation with the NGOs is something that is highlighted in numerous public investigations and internal reports from the relevant agencies. The point of departure is that there are people in the return phase, or who are living irregularly in the country, who are not reached by, or who do not trust, the authorities. In these situations, the NGOs could play an important role and facilitate the work. Not least in providing the applicants support throughout the asylum process, which could give them a clearer picture of the rules, criteria and principles that underlie the authorities' decisions. The idea is to give the organizations the task of better anchoring the decisions that are made. Yet a proviso was made at the same time: The Government Official Report on Enforcement I asserted that the NGOs sometimes made a differ-

ent assessment than the agencies and, among other things, made no distinction depending on whether the applicant had a residence permit or not (SOU 1997:128, pp. 83-84).

The bill that transferred enforcement responsibility was even more optimistic when it came to involve the organizations and raised the issue of being able to more easily motivate the persons to a voluntary return. It was pointed out that voluntary organizations could assist the authorities to more easily reach out with information, so that asylum seekers – who have received a rejection – would leave Sweden (Government Bill 1997/98:173). This hasn't really been the case. In its study, the National Thematic Network Asylum and Integration (NTG) suggested the reason behind the lack of close and extensive collaboration: if the organizations participate in return efforts, it could give legitimacy to a process that they actually question. This would undermine the asylum seekers trust in them (NTG 2007:3, p. 26). The difference between trust in authorities and trust in non-governmental organizations, expressed by asylum seekers and those whose applications have been denied, is because the NGOs are perceived to be on: 'their side' (Lennartsson 2007:74). Precisely such views were also expressed by several NGOs in connection with the Government Official Report on Enforcement. Save the Children believed that it was: "...out of the question to work on assignment by the authorities to take part in the enforcement of refusal-of-entry and expulsion orders" (Government Bill 1997/98:173).

The authorities have the task of ensuring that decisions made by the Government and the Parliament are enforced, while NGOs have a different mission. In the case of return issues, it is clear that the authorities want to enforce more decisions and convince non-cooperative individuals to change their opinions, while the NGOs do not work on the same logic – nor do they have the same goal in mind. On several occasions, both the Migration Agency and the Police have announced a desire to cooperate more with NGOs (Migration Agency 2008:1; Migration Agency 2009:35). These are considered not only to have an easier time reaching the target group but also to possess: "...country knowledge that exists within the organizations in question and which can be of use ... in connection with the implementation of an

enforcement” (National Police Board 2006:26). It is worth noting that the agencies state ‘enforcement’ as the goal of this potential collaboration.

It is also evident from the informants’ statements that there are clear differences in perspectives between NGOs and the two central agencies: The NGOs take the asylum seekers’ rights as their main starting point and work to safeguard these, while the agencies work to implement the decisions made. The organizations – the Red Cross and Stockholm City Mission here – don’t want to encourage any asylum seeker to make a certain decision: *“We always proceed based on the individual’s needs, that the individual can make well-informed and – for that person – wise decisions... If this leads to return or not is of less interest to us”* (Gisela Thäter, Red Cross).

Some informants suggest that the Migration Agency is primarily perceived as less willing to cooperate: *“My boss has been trying since the project started to have communication with the Migration Agency and they are quite afraid of cooperating with civil society. There is the view that we have conflicts of interest, maybe that we will try to encourage people to hide and not to return”* (Tora Candal, Stockholm City Mission). This claim receives some support from the Migration Agency’s staff and several informants also point out that there are differences in mission that complicate a closer exchange. Several NGOs, on the other hand, say they are prepared to cooperate more closely, without being afraid that this discredits the organization vis-à-vis the target group, which could then lay the groundwork for more exchange between agencies and NGOs. *“...it is more the vulnerability perspective or the humanitarian that motivates us to go into it because there are not many other organizations that want, dare and can work with these issues. There is a fear of being connected with facilitating return. Many in the past have chosen to keep out of it completely, but I still think it’s a little more open now than what it was before”* (Mikaela Hagan, Red Cross).

The informants from both agencies assert that there is a need to work more with the NGOs. Yet there is simultaneously an ambivalence because a potential conflict is seen in working with someone who is perceived more as an adversary. Kristina Rännar, from the Migration Agency, also points out that: *“they approach this a little differently.... Some people we have a very easy time discussing this with, because*

they have a great understanding that this is how it looks. Others have a little less understanding of this. So, I don't think you can say that all NGOs do things this way and that way, but rather that there is a spectrum on how this is handled". Several informants at various agencies point out that there is a spectrum of organizations that are perceived to be more neutral in comparison with more activist groups and that 'they should be all lumped together'.

This statement is confirmed by the informants representing NGOs and can be exemplified by the differences that appear in the interviews with representatives of two of the organizations: Anna Lindblad from the Refugee Law Center and Karin Fridell Anter, who represents the 'Pillar of Support' association and is also active in the network 'Stop the Deportations of Afghan Youth!'. The differences appear in the views concerning the legitimacy of the system. The Pillar of Support lacks confidence in the legal system and questions it in rather biting words: *"[legal certainty] doesn't apply. I can say that very decidedly... I would say that all of this about being able to appeal to the courts – that is just mock legal certainty"*. The distrust of the Migration Agency appears to be densely felt: *"The Migration Agency has rules for how children should be interrogated. I call it interrogated, because while it is an interview, it is experienced as an interrogation. And they [the rules] were not respected in any way"* (Karin Fridell-Anter, Pillar of Support).

In the case of the Refugee Law Center, the attitude of refraining from giving advice that migrants should stay away or not cooperate with the authorities is clearly illustrated. Anna Lindblad instead calls (jokingly) her organization 'Sweden's most boring NGO' because they settle for providing legal advice and trying to help those they believe to have realistic chances to help.

6.3 Differences in routines and working methods

A key question in research on public administration concerns the governance within the agencies to meet the requirements for uniformity in working methods and processes. Uniformity is often perceived as a goal enabling to secure other values such

as legal certainty and effectiveness. A comparison can be made here with grading in primary and secondary schools, where great effort has been put into attaining uniformity in the assessments of exams and grades. There is a potential conflict, however, between the requirements for uniformity and autonomy. Sometimes the front-line bureaucrats should be given great autonomy to be able to adapt their own approaches and methods. One rule of thumb could be that when the front-line bureaucrats' tasks are uniform and the new technologies can be standardized, then the top-down governance of methods and processes can be extensive and specified. Otherwise, they should be given greater freedom when it comes to implementation (Vedung 2016:92–93).

In the return area, there are a few examples of this ambition. There are clear indications that border policing operations and enforcement work, during the 2000s and even earlier, differed greatly between Police regions, and that routines and working methods were not always in place to guide the work in practice (National Police Board 2006; National Police Board 2007a:39). In 2016–2017, the Parliamentary Ombudsmen conducted a review of the Police's enforcement cases and found that there was a clear need for uniform and national routines for enforcement (Parliamentary Ombudsmen 2017a:1). The report also pointed out that there were large regional variations between the border policing sections in the seven police regions in terms of documentation and records-keeping. At the same time, there were no uniform routines in place for how to prepare an enforcement case and who had the authority to make decisions (Parliamentary Ombudsmen 2017a:8–9). The informants at the Police could also testify that the problem was addressed in different ways and the administration description (2018) for enforcement also explicitly mentioned *uniformity* as one of the values that would guide the work (Police 2018b:1).

Even as regards the handing over of cases from the Migration Agency to the Police, there seems to have been, at least in the 1990s and 2000s, plenty of differences in working methods. Evidence of this can be found at the Government Official Report on Enforcement II, where several receiving officials at the Migration Agency believed that there was a reluctance to hand over cases because they considered that the Police had limited resources and did not conduct any active search operations.

On the other hand, there were other Police units who, in the Inquiry's questionnaire, expressed dissatisfaction that cases were handed over prematurely, that is, before the Migration Agency had exhausted all possibilities (SOU 2003:25, pp. 69-71). Based on the informants' statements, there are indications that the handing over of cases may still differ, but it is not possible to comment on whether or not the discrepancies are as large as in the past.

Another example is the previously mentioned REVA project (see sections 1.4 and 7.2). One goal was to formulate standards for the management of returns by the agencies using the same lean-based approaches and methods (Migration Agency & Police Authority 2016:11–12). Standardization would increase uniformity both within and between the agencies (Pekka et al. 2010). Moreover, the regulations regarding documentation for in-country checks do not appear to have been common to all police agencies during the years 2013–2014, and likely not within the Stockholm Border Policing Unit either (Leander 2014:14–17).

Our informants at both the Police and the Migration Agency provide further evidence that there are still vast differences in working methods and routines between different regions and sometimes at the officer manager level. Patrik Engström describes how the Border Police Section finds ways to bring the different working methods of the former 22 regional authorities into one uniform set of methods: *"We have developed a decision-making process, a completely new administrative procedure for handling enforcement cases, and we have also rolled it out. This roll-out is complete as of this week actually, or a week or so ago. Travelled around, from region to region, and very hands-on instructed and introduced"*.

One difference seems to exist between Stockholm and other parts of the country in terms of working methods and routines. Among other things, this difference includes how return dialogues and enforcements are carried out and the Migration Agency is aware of this on a central level. *"But Stockholm is a bit special in terms of what doesn't exist. They do not have Migration Agency-provided housing but if you belong to Stockholm then you live in privately provided housing, so management is a bit different ... if anything stands out it is that Stockholm has a different type of clientele"* (Kristina Rännar, Migration Agency).

At the same time, there is an awareness that you cannot do things in exactly the same way regardless of region and case type. The latent tension between standardization and uniformity vis-à-vis flexibility is palpable: *“There is a big difference between sitting at the border policing section here in Stockholm which is so big ... versus Region North where it is significantly smaller, and which has significantly fewer cases scattered out over several different places... Having completely uniform handling in all parts is probably not even possible or desirable. Our goal, however, is that you should feel at home whether you are sitting and handling a case in Umeå or here in Stockholm”* (Åsa Petersson, Border Police). There are thus different basic prerequisites for the work – not least in how the target group looks – which are manifested in different working methods and routines.

One (unintended) consequence of an authority applying rules in different ways, depending on which region you are in, is that the group affected by the decision may become aware of the differences between different regions. One example can be seen in the handovers from the Migration Agency to the Police. According to the 2016-2017 decision, the agency that has the best prerequisites should retain the case and whenever the Police can choose to say no, the Migration Agency keeps the case. Because the Police in different regions make different assessments, there is, according to Jessie Ahrdenberg, from the Migration Agency, at least a conceivable possibility that people are going to different places in the country to, for example, avoid a handover to the Police.

6.4 Knowledge and skills

To be able to implement, it is essential that there are opportunities to correctly categorize and measure the outcome in order to be able to assess the results of return policy and initiatives. This knowledge is the first theme addressed here. Thereafter, a brief overview is provided of the competency that is lacking and the consequences this has on operations. Following this is an investigation into the key reason, according to research, that so few enforcements are carried out, namely the lack of accurate identification.

Measuring and controlling the outcome

The fact that reliable statistics are important for research in the field of migration hardly needs to be pointed out. Accurate statistics are equally important for the tasks. Problems in this area can be an indicator that other parts, such as the case management system, are also failing. Evidence of this can be found in the feedback to the Return Mission (2016). Of the 64 open return cases in Stockholm that were examined, it was found that 19 cases should have been inhibited (i.e. not enforceable) and thus excluded from the group, and four cases were mis-registered and belonged to other categories. Of this sample, then, more than one-third, or 23 cases out of 64, did not belong to the open return cases category. The conclusion pointed out to the need to look over how a return case should be registered. The risk of giving an incorrect picture of the number of open return cases was considered to be high. (Migration Agency & Police Authority 2016:34). The same shortcomings were drawn attention to by the Stockholm County Administrative Board (Stockholm County Administrative Board 2016:11), where the lack of compiled and uniform statistics on absconding unaccompanied minors made the authorities' work more difficult.

The Parliamentary Ombudsmen's review of the Police Authority's handling of enforcement cases also gave an indication of deficiencies in case management and thus in the possibility of measuring the outcome. To begin with, there were strikingly large differences between the country's seven different Police regions regarding which documents are registered in the Police's case management system. One reason for this may be that the Police's case management system is not adapted to the border police operations, which is the one who handles the refusals of entry and expulsions. Another may be that there are no uniform routines for handling and documentation (Parliamentary Ombudsmen 2017a:9–11). Shortcomings regarding the case management system have also been noted by earlier internal investigations (see National Police Board 2007a:39–40). According to our informants, the problems persist, although registration and case management have been tightened (Maria Hultqvist, Police).⁵

In addition to the shortcomings in their own systems, there is also a challenge in synchronizing the two different systems within the Police and the Migration Agency. The final report from the REVA project pointed to the great improvement potential that exists in creating common metrics and statistics across authority boundaries. In a comparison of the number of completed cases, the number differed dramatically depending on whether the statistics originated from the Migration Agency or the National Border Policing Section. On average, only one case of four completed by the Police was registered by the Swedish Migration Agency (European Refugee Fund 2014:52).

This has also been noted by the Ministry of Justice, which has delegated tasks to both agencies on different occasions. Both frustration and resignation have emanated from the ministry regarding the humble achievements in the matter: *“We have given statistics assignments to both agencies because we have seen shortcomings in the statistics ...this is because they work in different systems, and they categorize cases in different ways, and so on. We stand here and stomp our feet a bit and we are a little frustrated ourselves because we don’t come any further, our ministers expect the statistics they get to be complete, but we always have to add that there are deficiencies in the statistics from the Police, year after year... We don’t really see that we have moved forward”* (Mikaela Eriksson, Ministry of Justice). There are also challenges over time, for instance the coding of the decisions taken has changed, which means that data for a single agency isn’t fully comparable over time.

But the flawed statistics are just one of the obstacles for making comparisons and thereby govern return efforts. In section 6.3, we discussed how the affected agencies standardized and made working methods and processes more uniform. At the same time, several informants point out that each case is unique because so many conditions for effective management lie in (external) factors that are not easily influenced by the agencies’ work. An evaluation of the REVA project explicitly points out that: ‘factors in the outside world have greatly influenced goal attainment’ because the operative goals – increased return and shorter case management times – have not really been achieved (AMIF n.d.:42).

When competence is inadequate or lacking

If capacity is about having the necessary resources at hand – whether these are personnel, premises, transport or other physical resources – competency is instead about the front-line bureaucrats knowing how to solve the task in question. In the area of return, there are a few core competencies that have been identified by some of the responsible actors.

The Police use the term ‘border police competency’, which refers both to knowledge of laws concerning aliens as well as to methods and approaches that are used in connection with in-country checks. Several of the informants emphasize that there are far too few police officers who have this special competency and that the education at the Police training academies is not enough to solve the tasks. Already a few years after the 1999 reform, when enforcement responsibility was transferred from the Police to the Migration Agency, there was a general feeling that they had begun to lose competency in this area. Since no evidence was available, a follow-up inspection was carried out from 2006, which referred to the 1999 reform as the root of the evil. In addition to the three metropolitan districts, the various non-metropolitan police districts had so few cases that the competency and knowledge level of the staff could not be maintained. One problem could be that individual police officers refrain from doing (justified) checks because they are afraid to make mistakes (National Police Board 2006:4; Ann-Marie Orlér, Police; Göran Millbert, Ministry of Justice). The fact the police officers – i.e. not border police personnel – refrain from justified checks due to their lack of knowledge concerning what applies, still seems to be valid (Lucie Macek, Swedish Government Official Report on Return).

The problem was also noted in later reports where, among other things, it was pointed out that the training initiatives were far too small and that, in addition to this, the level of ambition in the courses had also decreased. Officers who work on the streets were given only basic training that: “allows police officers to ask questions in, for example, in-country checks, but not always to interpret the answers” (National Police Board 2014a:6). In order to be able to carry out their tasks, police officers therefore have had to build their own networks of support outside their own

authority (Ibid.). But the complexity that the work entails requires higher competence among the personnel, including the one at the Migration Agency. Not least, in order to feel confident in their roles and develop as decision-makers: *“You have to see that this job, the complexity we have talked a lot about, but we have to admit that it is difficult and requires training. Time is needed to reflect and take in what you have learned, new practices, and to discuss”* (Niclas Axelsson, Migration Agency).

Is it possible, then, with more and better training, to give individual front-line bureaucrats at the agencies the support they seem to need? The Government Official Report on Enforcement I was already touching on this reasoning, but also pointed to the difficulties: For practical reasons, it was considered difficult to give all police officers the specific detailed knowledge that they required. It was therefore considered better to entrust the in-country checks to specially assigned staff, an order that came to apply when the enforcement responsibility was transferred in 1999 (SOU 1997:128, p. 116).

The lack of competence can also be an important reason why the agencies have difficulty solving the problem of uniform and reliable statistics. Maintenance of registers and records, and coordination of IT systems, which lay the foundation for simple and clear systems that can meet the demands of the operations, are urgently needed. The obstacle to this is the lack of knowledgeable IT staff, according to Milot Dragusha, who also points out that the Ministry of Justice has had a dialogue with the agencies for many years, but that little progress has been made.

Assessing identity

The issue of establishing the identity of irregular migrants and of those whose applications has been denied is one of the most important difficulties, according to both research and investigations, to enforce decisions. This does not appear to have diminished in magnitude. Without a clear identity, it is extremely difficult to execute a refusal-of-entry or expulsion decision. Already in the 1995 interim report to Government Official Report on Enforcement I, there is a reasoning surrounding the problems involved in identifying the group in question: “The use of false identities and/or false acts is a problem. Like the lack of documents, the existence of

false identities is a common problem for all countries to which asylum seekers apply. Broad surveys of asylum seekers in other countries indicate that the use of false identities is common. Some minor investigations conducted by the National Board of Immigration and the National Police Board's Aliens Division show that false identity information is also provided here" (SOU 1995:55, p. 22).

The problem was extensive already in the mid-1990s and the situation worsened during the 2000s. After an international collaboration of competent authorities, the results showed that people who already had permission to stay in other Western European countries still applied for asylum in Sweden, and in some cases applied in several countries at the same time. In a smaller survey in the interim report to Government Official Report on Enforcement I, it was found that about 60 percent of those seeking asylum lacked passports and other identity documents (SOU 1995:55, pp. 22–23, 80–81). The phenomenon was again noted in Government Official Report on Enforcement II. The proportion of applicants without passports had increased from 70 to 88 percent between 1999 and 2002, and as many as 70 percent lacked acceptable and credible identity documents when applying for asylum (SOU 2003:25, pp. 48, 88). The National Police Board (2007a:22) performed an assessment a few years later and then said that more than 90 percent lacked identity documents. The problem of frequently occurring false ID information was also raised in the commission of inquiry on residence permits due to practical impediments to enforcement. An important reason why migration courts could not grant residence permits, even though the previous removal decision had been statute-barred, was precisely the problem of identification (SOU 2017:84, pp. 213–214).

This entire discussion of identity issues finally landed in the Swedish Government Official Report on Return, which aimed to reduce the number of people whose identities could not be determined during their stay in Sweden by improving the authorities' work. In this, the issue of priority was fake Swedish passports and the trade in these. In the report, the commission of inquiry pointed out that: "It is a fundamental obligation for an asylum seeker to cooperate in attempting to verify their identity, or to make it plausible. The number of asylum seekers who submit a passport document at the time of application with the Migration Agency is, however, very low" (SOU 2017:93, p. 11).

What are the experiences and perceptions of our informants in regard to the issue of identity? Their responses illustrate how important this issue is in return work. The majority of informants, both front-line bureaucrats and civil servants, say that applicants are usually not truthful with their identities, including the age they state which makes enforcement considerably more difficult. The starting position is to not trust the information provided: *"...we have to establish the identity from the beginning, most simply have stage names... I would say that we regularly do not believe the identity"* (Tommy Grahn, Police). The question of age is also important and here too are significant difficulties for operations and the assignment they are tasked with. Patrik Engström, Head of National Border Policing Section, gave an example based on the situation with Moroccan youth (often called 'street children' in media reporting). When their fingerprints were checked against the Moroccan National Population Register, it turned out that about 95 percent of those who claimed to be minors were actually over 18 years of age. Even if no conclusions can be drawn concerning other groups, this example illustrates the uncertainty created by the question of identity.

Another observation is that the front-line bureaucrats from the Migration Agency and the Police argue that the problem of enforcing decisions when the individuals in question do not have identity documents and travel documents, is because those who are to be refused entry or expelled from the national territory do not cooperate. The experience is that the passports tend to appear during the process. In most cases, the problems can be overcome and no impediments to enforcement arise: *"Much depends on the person in question. We have these countries and embassies that make it very difficult but then there comes a person who really wants it and gets himself to his embassy. Then it is extremely rare that it becomes difficult"* (Informant 2, Migration Agency).

The issue of establishing identity and age seems to create disorder and confusion in all stages of the return process. First, an uncertain identity, i.e. personal data, age and nationality, makes it much more difficult if not impossible to enforce refusal-of-entry or expulsion orders. Second, there are dual or multiple identities, which makes it possible to use different aliases when applying for asylum, work permits,

and so on. Third, this issue could make the statistics completely unreliable. We do not know how many people actually return after being registered as absconding because they may have travelled using a different identity than the one registered with the Police and the Migration Agency.

6.5 Summary conclusions

When policies are to be implemented in the administrative link of the chain, the ability to do so must exist. To have the ability to implement, an effective division of responsibilities between the actors is required. Assets like knowledge, competence and capacity must be at the public administration's disposal. Sections 3.1 and 3.2 dealt with the basic division of responsibility as it has been since the Enforcement Reform came into force on 1 January 1999 and SIV took over the enforcement responsibility from the Police.

The most important relationship within the implementation chain is between the Migration Agency and the Police. Here there is an interface where cases pass mainly in one direction and where information is lost, partly because of the differences in the case management systems. It also means that statistics are quite difficult to interpret, and not just for lay people. When it comes to the distribution of responsibilities vis-à-vis other public bodies, it is clear that many previous investigations have had great ambitions. In concrete, in projects such as REVA it has also been found that the Border Police Section has succeeded in establishing extensive cooperation with other agencies and certain municipal administrations. Yet there are also significant difficulties in involving, for example, social service administrations, even though their efforts may be needed to secure humane considerations in certain enforcement matters. The main factor behind these difficulties is the lack of knowledge, resources and powers, which means, at best, ad-hoc solutions.

Cooperating with NGOs presents another challenge. Here, too, legislators and various investigations have pointed to the important role that organizations could have in facilitating reaching the target group and providing access to valuable information. Although there are some good examples, the problem for the authorities is

that the mission of the NGOs is fundamentally different. While the authorities are trying to force irregular migrants to return home, voluntarily if possible and through force otherwise, organizations generally do not want to take a position on whether or not a person with removal orders should return.

When it comes to the ability in the sense of working methods and routines, Lipsky's (1980) theory of front-bureaucrats emphasizes that not all of them act the same. Rules are interpreted a little differently in the field and are stretched from time to time – which was broadly expressed by the informants. This results in a lack of uniformity. As both agencies have the nature of front-line bureaucracies, this is a result we should expect. This applies not least to the Police, which until recently have been divided into different agencies, a factor that still seem to have an impact. For both agencies, the Police and Migration Agency, there is an ambition to provide greater uniformity to the return operations by drafting standards, following rules and maintaining routines, and by allowing this to permeate the entire organization. The guidelines often come from the top down, but even among front-line bureaucrats it is considered that this can strengthen both effectiveness and legal certainty in operations.

One important observation is also that the level of training among the staff is quite varied, for example as regards to border policing competency within the Police. Without this knowledge and skills, the ability to perform operations such as in-country checks is limited. Competency deficiencies can also be an important reason why the Migration Agency has difficulty solving the problem of uniform and reliable statistics. A fact that makes it very difficult to accurately categorize and measure return, which in turn makes it difficult to evaluate the return policy.

According to the international research, addressing the issue of ability in enforcement efforts, Sweden is no exception to the trend that asylum seekers are decreasingly presenting correct identification. When the migrants have learned 'the importance of not being honest', it presents officials and front-line bureaucrats with a serious challenge in the middle stage of the concept triad trace–identification–expulsion.

Endnotes Chapter 6.

1. However, as discussed in Chapter 4, one individual may have several different return cases.
2. An example of the coordination problem is the following: Upon arrival in custody, the Police make a decision to perform an identification process using dactyloscopy and photographs. However, this is not done at the Police but rather at the Migration Agency's facility and also not in the Police's identification system. Still the Police make the decision. The fingerprints that are then taken are never run against the Police's fingerprints, meaning that valuable information is not taken into account, which in turn can mean that a foreigner is not prosecuted for their crimes (Malin Köhler, Border Policing Section).
3. The latest division of responsibilities between the Police and the Migration Agency came into force on 2 September 2019 and regulates border checks, in-country checks, enforcement and coercive measures (Migration Agency 2019d)
4. Yet this consideration was not self-evident, but it changed fundamentally in 2012. On the proposal of Government Official Reports SOU 2007:34 and 2010:5, the Education Act was amended so that children in the country without permit were essentially given the same right to education as children who were legal residents of the country.
5. At both the Police and the Migration Agency, a great deal of work is being done to improve procedures for collecting and processing statistics in order to deal with the noted shortcomings. We have been able to study this work during our own efforts to obtain reliable data to present.

7. Willingness to implement

The third and final stage in the triad concerns the willingness to implement policy. The main question is whether the implementers – officials and front-line bureaucrats at the agencies – are obliged to do their job and carry out what is stated in the assignment description? Also, of relevance here is that many implementers have several other tasks that demand their time, which means that they are torn between different tasks. Prioritizations must be made but certain priorities can also be changed based on reactions from different actors. The level of ambition can be raised or diminished. The implementation of a policy that is met with strong criticism becomes more difficult than when the policy is perceived as legitimate and perhaps even desirable (Vedung 2016:81–106).

The question of willingness to make decisions is linked to a large extent with a recurring theme in implementation research – namely, the environment within which the implementer operates. When the surrounding environment, in the form of other stakeholders, can exert influence over the policy, it can in some cases thwart reforms or decisions.

7.1 The implementer's motivation

We know from previous research that some agencies may have a certain degree of resistance to implementation. Qvist (2008:52) presents an example from the Migration Agency in which the officials questioned the decision to focus on teaching in Swedish for all asylum seekers. Although the decision was not actively stopped, other strategies were used, such as arranging the requested work in order to better align it with the existing organization.

The motivation of those who implement the decisions can also be influenced by aspects like the nature of the case. There are signs, both among the informants at

the relevant agencies and in previous investigations, that some cases are extremely trying. This is especially true when expulsions of families with children are to be enforced. Questionnaire responses from staff in Jönköping County to one of the National Police Board's investigations illustrates this fact: *"For one thing, it's really hard on the staff to have to frequently enforce decisions on families with children, especially when the children are used as 'weapons' to get to stay in the country... Eventually, the strong pressure also from the public, municipal authorities, church organizations, and even from the press, does a lot to make our work more difficult"* (National Police Board 2007b:22–23). There is also less motivation to execute a decision if the decision concerns people who have been living, and perhaps become rooted, in the country for a long time. It can also be expected in these cases that there may be little motivation to return voluntarily. But there are also motivating factors that become clear, such as issues coming up on the agenda, or the risk of a growing parallel society and the negative aspects entailed by this.

The organizations' internal hierarchies – 'an odd bird and a satellite'

All organizations with different functions divided into departments or units tend to have an internal hierarchy where some parts are superior to others. This superior–inferior order expresses itself in dimensions like status differences, where the units receive different levels of attention from the management. One example can be found at the Tax Agency. The authority's long tradition of inspection work in combination with a strong public official ideal has led to work with checks and controls being significantly higher up on the ladder than working with service and availability (Johansson & Hallenius 2016).

So how does it look like in the area of return within, primarily, the Migration Agency and the Police? Both internal and external investigations and reports, as well as informants' statements paint a picture of return work not being prioritized. The National Police Board's extensive investigation into more effective and legally certain enforcement mentions right in the second paragraph that these operations: "live a somewhat obscure and vulnerable existence at many police agencies"

(National Police Board 2007a:5). In the questionnaire that formed the basis for the investigation, where the regional Police districts participated, it emerged that the area: “is considered by many police officers as an odd business” (National Police Board 2007b:1). Can anyone other than those at the agency notice the differences in status of various duties? A follow-up inspection in 2006 indicates that this may be the case. In the inspection, a large group of NGOs had been asked about this, and they responded that they believed the status of police officers handling foreigner cases should be increased within the police organization (National Police Board 2006:27).

What are the consequences of this? The Government Official Report on Enforcement II referred to statements in a questionnaire on return issues given to the Migration Agency’s officials and regional coordinators. Responses indicated that the Police gave low priority to enforcement issues within the organization (SOU 2003:25, pp. 69-71). As for the Swedish Migration Agency, an evaluation of the new operations was conducted by the Agency for Public Management. One of the questions that was asked was about the informal hierarchy within the organization and one of the conclusions was that detention activities were placed at the very bottom of the priority list (Agency for Public Management 2017:59, Jan Boström, Agency for Public Management). Yet there is research that paints a somewhat different picture. Hydén and Lundberg (2004:87) point out that in-country checks became more frequent after Sweden became part of the Schengen Area in 2001. Their assessment was that in-country checks were on their way to becoming a more integral part of the Police’s general work and that cooperation between various police units seemed to be increasing.

The informants who were interviewed testified that the status of return and enforcement issues was not a top priority at either the Police or the Migration Agency, although one of the informants at the latter authority defended himself against the term ‘low-status job’. To a direct question posed to some team leaders at three Migration Agency regions, the response was that return activities were not prioritized. It was considered that: *“The agency talks about the importance of return, but the experience is that this is not reflected in the conditions given to carry out quali-*

tative and effective return work" (Migration Agency 2019c). Sverker Spaak, from the Migration Agency, clearly expressed the view that enforcement and return, generally speaking, were not a high priority. It is very rare that anyone at agency management level talks to the press about return issues. In the organization's internal hierarchy, these issues, along with detention centres, are at the bottom of the list, which is also manifested in staff flows, attention and influence over the agency's management. During his time as process manager Spaak himself worked closely with the Police, and often collaborated with them. However, this was met with some internal resistance. It was seen as a risk that the agency was "too exposed" in these matters – and if this has to be the case it should preferably not be together with the Police.

Åsa Petersson, from the border Police, asserted: *"border policing has been an odd bird (and) a bit of a satellite in policing operations, where there has been focus on so much else"*. This phenomenon is also vividly described by Patrik Engström: *"... it's about the border police and policing activities in general going through a sort of paradigm shift, where the border police have long been considered – and consider themselves – to be the extended torpedo arm/muscle of the Migration Agency. The Migration Agency with force. So now we're very actively trying to bring border policing operations much closer to the Police's core mission"*.

The above statements certainly do not answer the question of *why* return activities appear to be given lower status and lower priority in the work of both agencies. One clue may be found in Sverker Spaak's statement about the staffing situation at the agency. *"...it's not like you have anyone applying to the Migration Agency to work with return. I would say no one does"*. One reason for the low priority could thus lie in the fact that employees more often want to deal with issues other than return and detention. But the causal relationship can of course also be the reverse: that the staff notices and feels that return is not prioritized by management and they therefore seek out other areas of activity within the Migration Agency, and that those who are interested in the issues are deterred by the low status.

This can be contrasted with the emphasis placed in the appropriation directions that return should be the focus of each agency. In cautious yet clear terms, the Police ac-

knowledge in their interim report that priorities must be set for enforcement matters in 2018. “However, the police authority must constantly make priorities... In view of the changes that have taken place in the Police’s mandate as a result of terrorism preparedness, gang shootings, increased border control and demands for improved investigation of mass crime, the authority has been forced to make prioritizations which affect the outcome” (Police 2018a:1). It is also clear that the crimes that were highly prioritized by the Police – not least gang-related shootings and crimes in 2018-2019 – pull resources from lower-priority activities. One consequence is that some units, such as those dealing with in-country checks, are seldom fully staffed, which results in fewer checks (Jerk Wiberg, Border Policing Section).

To support or not to support

This report did not have the explicit purpose of examining politicians’ actual willingness and support in implementing the return policy. At the same time, we know from implementation research that the support of the politicians, sometimes called reformers, who ultimately make the decisions can affect both officials and front-line bureaucrats in the expected way (Nakamura & Smallwood 1980; Vedung 1998:191). As we have already discussed, return policy has been controversial and has been heavily criticized not only in the media, but also by several civil society organizations. How do the informants experience the provided support, or the lack of it?

Among the informants at the Migration Agency are some who think that the politicians do not really understand the problem of return, have insufficient knowledge and therefore do not give them the desired support. Informant 1 at the Migration Agency says the following: *“What feels a little tough is that the politicians say we need to improve this, but they don’t talk about how things are like in reality. Many don’t even know that these difficulties exist”*. Here, the lack of support is linked to the politicians not grasping the issue. But perceptions differ because other informants assert, and also give examples, that politicians actually have sufficient knowledge. Mikaela Eriksson, from the Ministry of Justice, emphasizes that the issues are complex and that the ministers for the area have a broad portfolio, in which return is only one small part. But as the issues receive increasing attention in the media, leading politicians to acquire a better knowledge.

Several of the informants at various agencies also expressed that politicians – even within the government – have fundamentally different views, which of course makes it more difficult to get support for the implementation of the return policy. For example, that the current government constellation, the Social Democrats and the Green Party, are pushing different agendas is no secret. The Green Party generally opposes policy with more ‘repressive’ elements, which means that proposals laid on the Ministry of Justice’s table are sometimes stopped or watered down. Sverker Spaak, from the Migration Agency, makes a distinction between the Ministry of Justice – chiefly its officials – which provide satisfactory support and pays attention to the issues, and the politicians who do not provide the same backing. When proposals get stuck, the Ministry can still try to find alternative ways to achieve the desired result.

7.2 External actors’ potential to influence

Common advice given in implementation research is: “Make sure that external actors cannot prevent or complicate implementation!” In the case of return policy, the crux of the implementation problem is that in many cases rejected asylum seekers and irregular migrants do not participate in the process and in the worst case, abscond and stay hidden. At the same time as humanism and legal certainty are values that must be maintained – and implemented – by officials and front-line bureaucrats.

Earlier research has pointed to a wide range of actors that may be of significance for return. Other states can influence through several different mechanisms. If other recipient countries become more, or less, restrictive, this can affect the opportunities to enforce the national policy in Sweden. The potential to enforce decisions can also be impacted if countries of origin become more, or less, inclined to accept their own citizens. At the national level, for example, employers who choose to hire irregular immigrants make things more difficult for the authorities because more resources must be used for workplace checks. At the individual level, citizens, by themselves or in groups, can harbour hidden irregular migrants, which in turn is part of the migrants’ counterstrategies (Brochmann & Hammar 1999; Hydén & Lundberg

2004:58–60). In short, there are many external factors that influence through several different mechanisms. We have had neither the ambition nor the opportunity to cover everything that affects implementation.

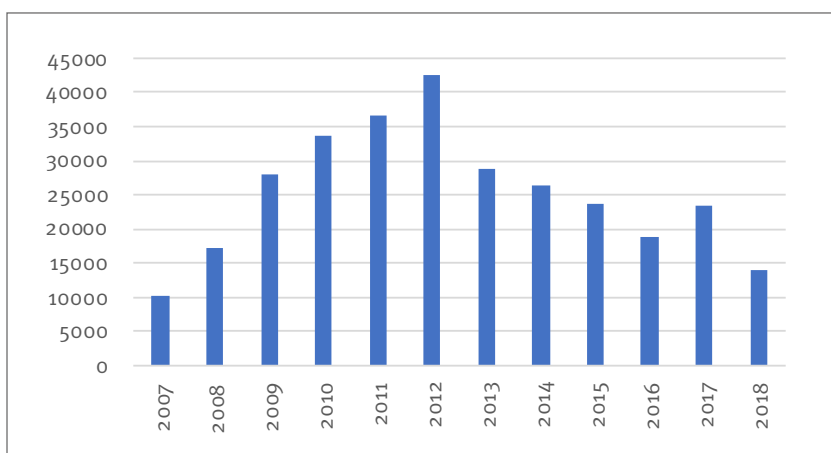
Public pressure and criticism

We have discussed how Sweden, like other countries, uses various measures to attempt to trace, identify and remove irregular migrants. In the previously mentioned REVA project (section 1.4), which was launched in 2010, the goal was to increase the number of enforced refusals of entry and expulsions and to improve legal certainty. An important point of departure was that in previous inspections (National Police Board 2006:28; National Police Board 2007a), the Police had found that in-country checks were very rarely carried out and even with checks occurring, these were not documented to a great extent. The REVA project was a process overview of enforcement work. In light of a feasibility study that had identified a number of shortcomings, the case management procedures would first be standardized and made more efficient (Migration Agency, National Police Board & Prison and Probation Service 2010). The background was, as previously mentioned, that enforcement work be prioritized in appropriation directions for all the agencies involved: The Migration Agency, the Police and the Prison and Probation Service. In itself, REVA did not mean that the Police were given greater powers in country checks, that is, checks to verify that people have the right to be in the country (European Return Fund 2012; Migration Agency's annual report 2012:61; National Police Board 2014a).

The work with REVA became the subject of considerable media attention, including a radio reportage in the Swedish Radio program Kaliber. An article in the culture magazine Re:public about the methods used by Skåne police during in-country checks brought on a wave of reports and criticism that in the end could not be surmounted. Many researchers and other writers, not least from humanitarian organizations, also criticized (in the first place) the work of the Police during in-country checks, often from a legal certainty perspective.

In connection with the media attention and the debate concerning REVA, a number of reports were also filed at the Parliamentary Ombudsmen (JO), though these did not prompt any action from the JO (National Police Board 2014a:7). The issue was also taken up by the trade unions, and Police Union Chairperson Lena Nitz welcomed the debate and stated that: “the pursuit of effectiveness may never go beyond legal certainty” (Nitz 2013).

Diagram 17. Number of in-country checks, 2007–2018¹



Source: National Border Policing Section²

How was this received among those who would be implementing the in-country checks? To begin with, the number of checks increased significantly from 2009 to 2012, as did the number of persons who were refused entry and expelled by the Police. The results were attributed to the improved cooperation with the Migration Agency and the Prison and Probation Service, which shortened the lead times during the enforcement process. Improved relations between embassies and border police also contributed to the results (Westerfors 2013:52). It should be noted here that the proportion of in-country checks that actually resulted in enforcement by the Police or surrender to the Migration Agency differed greatly between different Police districts. Some, such as Jönköping and Västmanland, did not have even a one percent ‘hit rate’, while the proportion in Södermanland was over 20 percent (National Police Board 2014a:22).

The debate prompted by this, and the criticism directed at the Police, contributed to a reduction of in-country checks in 2013 and beyond. The same year, for example, the border police in Stockholm stopped their controversial checks in the public transportation (SvD 2013-03-08). Several Police representatives also confirm that the criticism affected their actions: *“There are several reasons behind the reduction of in-country checks. Partly, I would say that the so-called REVA debate was absolutely a reason that many police no longer dared”* (Patrik Engström, Border Policing Section). The criticism during the REVA debate, for example, meant that: *“...Police candidates at the Police Academy refused to come out and do internships with the Border Police”* (Jerk Wiberg, Border Policing Section). Both the assignment and the in-country checks in themselves were discredited, which is reflected in the statistics.

In general, both agencies are responsive to and aware of the criticism that is sometimes directed against their operations. If the criticism grows too strong, it will be more difficult to complete the task they are required to perform. Can this be handled by having a better contact with those who are examining these issues in the media? There are indications that the agencies have had the ambition to work more proactively. The Migration Agency (2008:5–6) identified as a goal at the time of the announced improvement work, to just turn to journalists and inform them about the return work and Patrik Engström, Border Police, has, according to both his own and others’ statements, also placed great importance on media contacts and public relations.

Sverker Spaak, from the Migration Agency, points out that return issues are almost always portrayed either as an inhumane activity when minors are deported against their will to uncertain countries, or as an ineffective activity where responsible agencies fail to fulfil their mission. With the respective narratives, the Migration Agency always ends up in the hot seat, which in turn would be expected to lower the motivation of the staff. There is a bit of resignation at the authority at what is perceived as unfair reporting: *“...I understand that you read the newspapers like everyone else and you read things on social media and you can get the strangest ideas. I think that most people at the Migration Agency choose to keep out of it on social media because it just doesn’t work. It is doomed to fail”* (Kristina Rännar, Migration Agency).

It is also clear that during the autumn 2015, a phase many informants often relate to, it became difficult for the agencies handling the large influx. How was the Migration Agency shaped and portrayed by the mass media during the large inflow of refugees? According to Ström and Tran, who investigated the portrayal of the authority, negative and chaotic news were chosen before positive ones, based on current media logic and in accordance with the agenda-setting theory established by media researchers. Moreover, while the two most prominent portrayals of the authority were being 'overloaded' and 'clueless', positive or neutral portrayals didn't have much impact (Ström & Tran 2016). When the implementers were met by this negative 'media noise', it can be expected to affect their willingness to carry out their mission.

The tug-of-war between the authorities' strategies and the migrants' counterstrategies

Research (section 1.3) is clear regarding the fact that authorities' strategies to facilitate the enforcement of refusal-of-entry or expulsion decisions is met with counterstrategies on the side of the migrants. For the irregular migrants, it is about finding ways to stay, to support themselves and in other ways to acquire a bearable existence. They have access to certain resources in the form of legal assistance during the process itself, but also support from NGOs, a diaspora (countrymen residing in Sweden) and other groups who want to protect their interests.

One important role is played here by civil society and different types of NGOs that assist migrants of various legal statuses on a voluntary basis. The flora of organizations, networks and groups is large and so is the form adopted by the organization. Some choose to focus on individual groups of migrants, such as the 'Stop the Deportations of Afghan Youths!' network. Some, such as the Swedish Refugee Law Centre, work to provide assistance in the legal process due to the opportunities to appeal, change tracks and state impediments to enforcement. Other organizations, such as the Red Cross and Stockholm City Mission, also provide some material assistance to help the migrants cope.

The Government, by all appearances, seems to be aware of the migrants' counterstrategies. The Government Official Report on Enforcement II mentioned but do not emphasize the risk that a reduction in daily allowance or a tightening of these rules

could contribute to more people working without a permit or engaging in crime such as shoplifting or theft in order to finance living costs. The question was whether those who did not cooperate in clarifying their identity would be discouraged by lower contributions (SOU 2003:25, p. 172). Another example can be gleaned from the 2016 Reception of Asylum Seekers Act (LMA). This change completely restricted the right to asylum accommodation and daily allowance for adults without children in Sweden, in connection with the refusal-of-entry or expulsion decision gaining legal force or when the deadline for leaving expired if it was not considered ‘manifestly unreasonable’ (SOU 2017:84, pp. 51–52).

In both cases, the intention was to change the incentives for the group and get them to return voluntarily to a larger extent. In connection with the 2016 LMA reform, several referral bodies objected to the logic of that argument. Two such different actors as the Migration Agency and the Swedish Network of Refugee Support Groups (FARR) felt that the proposal could instead lead to more people absconding. Several informants claim that this may also have been the case and two of the highest officials at each authority: Patrik Engström, Head of the National Border Policing Section, and Sverker Spaak, former Process Manager for Returns at the Swedish Migration Agency, argue that the law explicitly exacerbates enforcement work because the agencies completely lose contact with those who go underground.

External factors

From the implementation research, we know that the attitudes, knowledge, willingness and organization of those most closely affected by the policy in question also affect implementation – and thus the policy outcome itself (Vedung 1998:187). Our study design has not allowed for direct contact with the returnee group, but there is evidence that the interaction between those in the return phase and different types of NGOs can influence return work efforts and initiatives.

As we have discussed previously, the returnee group may have another goal than officials and front-line bureaucrats who enforce decisions. Since the primary goal is to stay in the country and be granted a residence permit, then one can expect alliances to be formed with groups and organizations that support their claims. This is exemplified here with the group unaccompanied minors, primarily those

from Afghanistan. This group has received particular attention in the media and in parts of civil society. The situation for those whose applications have been denied and who have to return has aroused strong reactions and also created a structure of formal organizations and more informal groups that have taken on their issues and provided assistance in both material and legal matters as well as in other ways. How does this affect the implementation of return decisions? From research we know that many factors (see Figure 1) affect the willingness to return (i.e. Cassarino 2004; Lietaert 2016). A big challenge is to convince a person to voluntarily return to a country with dangerous and insecure conditions.

Based on the informants' statements, this is a group with a very weak willingness to return and the front-line bureaucrats generally have even more difficulty motivating them than they do others. Special efforts often need to be made. At the Border Police Section, it was believed that some activist groups and organizations disseminated incorrect information concerning the return process, including the possibility of taking part in ERRIN. On the other hand, one of the organizations engaged specifically in assisting unaccompanied Afghan minors was of the opinion that the Migration Agency negatively discriminated against the group and said that the group had been treated in a manner that was not legally certain (Karin Fridell Anter, Pillar of Support).

The difficulties in moving forward with the enforcement work eventually led to the Border Police in the Stockholm region investing significant resources on the group: *"There is now a special Afghan team in Stockholm that goes out to all of the detention centres and visits the returnees, sitting down and explaining 'this is how the process will go, this is ERRIN, these are the possibilities that exist' and this has increased the number of applications"* (Patrik Engström, Border Policing Section).

There are similar experiences from the Migration Agency. The judgement is that the group is influenced by external actors who mobilize on their behalf. This makes the work process more difficult and thereby longer. One of the Agency's team leaders expresses the following: *"The Afghan group very often says to my case officers: Now when I'm being discharged, it's still better for me to live on the street here in Sweden than to go home to Kabul... Talking about legislation and consequence and all of that*

is not at all interesting for them to listen to” (Jessie Ahrdenberg, Migration Agency). At the case officer and team leader level, one can note a frustration that there is no willingness to cooperate and return to Afghanistan. In this regard it is worth mentioning that there are sources, for example in the EU, pointing out that at least parts of Afghanistan can be dangerous to return to, which makes the concerns of the Afghans not totally unfounded.³

Other NGOs have also noted that the group is very reluctant to return but has a somewhat different interpretation of the reasons for the reluctance: *“I’d rather be homeless in Stockholm than homeless in Kabul’. I get that, even if it is very hard”* (Tora Candal, Stockholm City Mission). Living as an irregular migrant in Sweden with the fear of being discovered seems to be a better life situation for young Afghans than returning to Kabul. There is a great deal of support from NGOs that make the assessment that Afghanistan is very dangerous and unsafe. This opinion would be expected to strengthen these young people’s opinion that it is best for them to stay in Sweden.

It should be noted that the Afghans seem to be a separate case among the many nationalities that shall return, partly because the group has attracted a considerable amount of attention in the media. But it could also be an effect of the many reports of turmoil in the media. The problems not only relate to the unwillingness to return, but also to the fact that there are very different opinions of the situation in Afghanistan made by Swedish Agencies, NGOs and international organizations.

7.3 Conclusions

In order to implement policy, those who execute the decisions, both organizations and individuals, must be fully motivated to carry out their tasks. Research in this area, including on Swedish conditions (see Hansson 2017), has pointed out that the enforcement work is emotionally charged and difficult to manage, not least for the front-line bureaucrats who, in the worst case, suffer a deterioration of their psychological well-being. Another aspect that seems to influence the willingness is whether or not (return) activities are noticed and to what extent these are prioritized within the organization or the agency in question.

It is clear that the agencies with direct responsibility for the issue have not given high priority to areas or tasks associated with return and the enforcement of return cases. Both statements from informants and other investigations conclude that return work is seen as an 'odd bird' and far down in priority. Section 1.4 showed that return issues began to have a clearer position on the agenda around 2010 and in connection with the large influx of refugees in 2015. This provides space to eventually raise the status of these issues within the respective organizations.

Agencies and organizations are not immune to opinions from outside. In the case of return and enforcement issues, a partial explanation for the low status may be found in the sentiments that the issue arouses. The phenomenon is easy to criticize because the subject is sensitive, and the agencies' management and politicians involved in this area are not always perceived to have defended those tasked with enforcement in public opinion storms. The somewhat resigned attitude from both officials and front-line bureaucrats is due to the perception of media reporting as unfair and difficult to surmount. At the Migration Agency in particular, there is a feeling of fighting an uphill battle and this in turn can reduce motivation among the staff.

Connecting this to research in the area, considerable knowledge exists about how the willingness and motivation of the front-line bureaucrats implementing the decisions affect the implementation itself. We know that there are organizational hierarchies within both agencies charged with enforcing the decisions. Research also points to the abundance of 'bastard institutions' that are emerging in many countries, including Sweden, as a consequence of the authorities trying to limit access to the labour market and to housing, healthcare and financial support. The migrants' counterstrategies are fully visible and something that those in the implementation stage have to take into account in their professional practice. Last but not least, there are external factors to deal with for those who are going to implement the decisions, for example voluntary and activist organizations that, from the perspective of other objectives, mobilize on behalf of the returnees.

Endnotes Chapter 7.

1. There is much to indicate that part of the 2009 increase was due to improved statistics collection (Leander 2014:7–8).
2. Swedish Police National Border Policing Section statistics on in-country checks.
- 3 https://www.easo.europa.eu/sites/default/files/Country_Guidance_Afghanistan_2019.pdf

8. Results and conclusions

The aim of this Delmi report has been to examine return policy in Sweden from a governance and implementation perspective. The analysis has centred on the administrative links in the chain, that is, the officials and front-line bureaucrats, primarily at the Migration Agency and the border Police, who have the responsibility for these issues. Our study was based on self-collected empirical data in the form of interviews, discussions and visits to various agencies and organizations. We have set this data in relation to governing documents, investigations and government inquiries, and internal materials, chiefly from the affected agencies. The analysis has built on an implementation model with three questions in focus: How to get an *understanding*, *ability* and *willingness* to implement return policy? (see Table 1)

This report has sought to answer a number of questions, but it also offers a knowledge review in a field that hasn't garnered much attention in Sweden. Return-, and other parts of the migration research, has often positioned the individual migrant as the focal point for analysis. As such, this Delmi report constitutes somewhat of an exception as its focus has been on the policy execution phase and implementation. Several different actors have had their say, which has given new perspectives to both the report as well as the issues discussed. By having a wide approach, i.e. an extensive reading of a large material and a width among the informants, we have also been able to point to the complexity of the issues and the connection – or lack thereof – to other parts of migration policy. This is also something that will be highlighted in the next chapter regarding policy recommendations.

It is worth repeating the fundamental logic in the system: The asylum seeker's primary goal is to stay in the country and be granted a residence permit. It can therefore not be expected that all those who receive a refusal-of-entry or expulsion order will return voluntarily to their home countries, which is something that policymakers, officials and front-line bureaucrats need to relate to.

The tools used by agencies and other actors in return policies are multifaceted. One perspective is to look at the tools in terms of sticks, carrots and sermons that will provide incentives of various kinds in exchange for voluntary return. Another perspective is to see return policies as part of in-country checks in which, during the period from the asylum application to actual return, different types of permits and rights are either granted to, or revoked from foreign nationals: access to the labour market, right to housing, to settle wherever you want, schooling, health care, as well as various grants and allowances.

Based on the analysed material, especially the interviews, visits and conversations, we gained an insight into a complex system with many levels of challenges in implementing the policy. One reflection, rather than a conclusion, is that our informants rarely refer to research in the field, whether in Sweden or international. Reports and investigations are mentioned occasionally, but the link to return research in a broad sense is virtually non-existent. While there may be a number of reasons for this, one suggested by a couple of informants is that the existing research – primarily the critical research – lacks relevance.

Another reflection is that several of the challenges the informants bring up, or have to deal with in their daily work, are also reported in previous investigations – internal as well as public. Several are also described in the research. This does not mean that problems in the area are not being handled. On the contrary, work is under way at both the Migration Agency and the Police in order to update divisions of responsibilities and look over statistics. The development of new technologies for fingerprint and photograph identification and biometric data collection is also in full swing. For unaccompanied minors, for example, various actors are working together to get the Strömsund Model in place, and the Stockholm County Administrative Board is directing efforts to establish more structured working methods surrounding absconding minors.

In many cases, the informants working in an area with the potential for improvement suggest that the situation is not very good at the moment, but that as soon as what is being required is obtained, then things will be better! It is not our ambition to curb all optimism, but rather be careful with the parts that are unfounded.

Experience says, namely, that many of the problems are difficult to handle or that these may arise in new forms precisely because they belong to some of the classic issues of implementation research.

8.1 How does one cope with the mission?

The mission and intention of the authorities is to refuse entry and to expel persons with legally binding expulsion orders and other irregular migrants from the country. This is to be done as quickly and efficiently as possible, but also under humane and legally certain forms. The constitutional state's ideal of the right to individual assessment and the humanitarian considerations that should also apply in this area, constitute a certain inherent restriction on the goal of effectiveness. The priority is voluntary return, which means lower costs both for the individual and for society, as well as a less traumatic experience for all parties. It is therefore preferable that individuals return voluntarily after arranging the required travel and identification documents, and that those individuals are cooperative during the process. In exchange, financial assistance is offered in the form of various types of return support, in-kind or in cash. When neither carrots nor sermons help, there are the sticks, in the form of detention and coercion when enforcing the decision by the Police and the Swedish Prison and Probation Service's Transport Service.

Just looking over the statistics on return is enough to see that the existing policy instruments are not sufficient (see sections 4.3–4.4). Despite intentions, an average of only about 44 percent return voluntarily. A large group, almost a third, abscond and another group about 15 percent is to be refused entry or expelled with the help of the Police, who have in that case taken over the enforcement responsibility from the Migration Agency. It is also worth noting that various regularization decisions, the possibility to change tracks and the impediments to enforcement mean that as many as one-tenth receive a return decision which is later written off for one reason or another. The proportions fluctuate over time, but the trend does not indicate that the goal will be achieved in the short term.

Another relevant aspect is that the realization of the goal is also dependent on conditions that the implementers cannot influence. Sections 4.6–4.7 illustrate how the

composition of returnees have changed over time, and how groups that have been traditionally reluctant to return have increased during the 2010s. The group ‘unaccompanied minors’ has special needs but, in certain cases, also have the possibilities to abscond and live irregularly in the country. Authorities then encounter major challenges in motivating for a voluntary return, no matter what policy instruments are used. Operational forecasts are also difficult because the number and complexity of the cases can differ significantly from year to year.

Given the large number of absconding individuals, and the difficulties in enforcing decisions, return issues have been placed higher up on decision-makers’ agendas, which has taken place in two stages. The first increased interest was noticed around 2010. The second phase began with the large influx of migrants in 2015 when a number of initiatives were taken. It can also be asserted that on both occasions, it was primarily effectiveness aspects that were highlighted. It is worth noting that a very large part of the investigations, commissions of inquiry, reports and audits conducted by public actors focus on the effectiveness of the system in a broad sense. Neither the question of humanitarianism nor that of legal certainty is given anywhere near the same attention. For the NGOs the relationship is, however, the opposite.

Many who receive, or believe they will receive, a rejection decision abscond at some stage. It is easy to understand why they do not want to leave Sweden voluntarily. The relatively high standard of living and the security one has in Sweden contrasts with life in many of the countries of origin, which is often both hazardous and marked by poverty. Instead, people choose to hide, which creates circumstances in which people are hurt, exploited or turn to crime to support themselves, and thus cannot actualize their life dreams. This creates a fertile soil for shadow communities and has anything but favourable consequences at the societal level. Despite this, those implementing Swedish law still get to hear that: “it (is) still better for me to live on the street here in Sweden than go home to Kabul”.¹ This also demonstrates that the policy tools officials and front-line bureaucrats have at their disposal – carrots, sticks and sermons – are obviously not effective.

8.2 A double mission and a low-status job

The first interim report for Enforcement Report I from 1995 highlighted a circumstance that hasn't changed since then: Reception activities are designed for, first, granting permits and second, preparing for return. The goal for a large part of the Swedish society is integration, because the premise is that the person will get a residence permit. This tension between return and integration is reflected in our empirical data and is manifested above all at the Migration Agency in the form of attitudes and ways of thinking that seem to be difficult to break. With the strong ambition that exists for early entry to the labour market, there is always the risk that return efforts will be ignored.

For the Police, who is tasked with enforcing the cases the Migration Agency cannot enforce, enforcement work such as in-country checks are not as prioritized because their activities are centred in fighting crime. At both agencies, return is considered an 'odd business' and not really in line with their core mission, or what the staff would prefer to work with. The status associated with working with return does not seem to be comparable to the importance placed on it in governing documents of various types. As a consequence of this low status – but we want to remain open to the fact that causality can be bidirectional! – both agencies also have a hard time meeting the need for competence in the area of return. For the Police, operations were dissolved after the 1999 reform when enforcement responsibility was transferred. In many places border police competence is now deficient, leading to difficulties in both in-country checks and in the enforcement work itself.

8.3 Interaction with the surrounding environment

This study proceeded based on the trio of concepts *understanding–ability–willingness* to analyse how return policy is implemented, which is also an important puzzle piece in explaining the discrepancy between goals and outcomes. Implementation research clearly indicates that surrounding actors can both contribute and obstruct.

The characteristic of ‘street-level bureaucracies’ is that front-line bureaucrats themselves have the space to shape policy in practice and to develop their own routines to manage their assignment. This is no simple task, especially in the return area where any errors and deviations from laws, rules, routines and standards can come under fire. Clearly, there are significant challenges involved in managing public opinion pressure of various kinds. The phenomenon is easy to criticize and almost no matter how officials and front-line bureaucrats act, there is the risk of ending up in the accused bench. To this can be added that in the public opinion storms that occasionally bring the topic to lively debates, neither agencies’ managers nor politicians are perceived to have given their trust and support to enforcers.

One conclusion of the study is that what is expressed by the Government in the writing of the appropriation directions is not matched by the same support at other levels, which affects both officials and front-line bureaucrats in the expected direction. Yet there is another important aspect that should be mentioned. A large part of the surrounding environment that may be hostile from the perspective of the implementer is the countries of origin to which rejected migrants are to be returned. Domestic agencies have frequently little ability and willingness to cooperate and receive returning citizens, despite signed return agreements. This affects implementations in the field to such an extent that the cases to certain countries become extremely difficult if not impossible to enforce and are thus deprioritized.

8.4 A no that isn’t always a no

All legislation has both intended and unintended consequences. The agencies’ efforts to facilitate return work and increase the proportion of enforcements, following an increased ambition around 2010 and after 2015, have largely focused on resolving barriers of various kinds and on simplifying the agencies’ work by giving them greater powers. However, this is far from being the case of policies related to return.

Political decision-making is about dealing with conflicting objectives. The policy area investigated in this report is no exception. Again, return policy has the goal not only of effectiveness, but also legal certainty and being humane. This means that the goal of effective return in terms of many and quickly enforced decisions (preferably on a voluntary basis) must be weighed against not only the other two goals, but also in relation to objectives in other political areas – such as rapid entry to the labour market. In concrete factual matters, the balance occasionally shifts in the pursuit of different goals. Without having conducted an exhaustive investigation, it is nevertheless our assessment that the goal of enforcing decisions in the area of return takes a back seat to other, obviously more prioritized, objectives.

The asylum process contains a number of different tracks and possibilities that send signals through the system, both to officials and front-line bureaucrats as well as to migrants whose applications have been denied. The message is that a no is not always a no. The track-change possibility, including the possibility of appealing, offers an extra chance to get to stay in the country and is linked to the policy's objectives concerning establishment in the labour market. The signal from society that one should work and then one will get a second chance, simultaneously creates the hope of being able to stay in Sweden. The opportunity to argue impediments to enforcement, including the possibility of appealing, is a way of meeting the need for legal certainty in the asylum process. Regularization, getting a new chance for assessment, is an opportunity that has chiefly arisen in response to the increasing number of irregular migrants living in hiding. These regularization decisions are usually made out of humanitarian concerns toward a marginalized group living under difficult conditions.

Thinking in terms of incentives for both front-line bureaucrats and migrants, it is clear that all of these opportunities end up in yet another chance to get a residence permit. Should time and effort then be invested in return cases by the Migration Agency and the Police if the decision can anyways be reconsidered? Should the asylum seeker really acquiesce and prepare for a return when there is actually a chance for another new trial or new appeal?

8.5 Authorities' strategies met by counterstrategies

When politicians draft policy and public administration implements it, there are always several obstacles in the way. An important aspect in implementation research on return policy is that the strategies and initiatives of politicians and authorities are usually met by counterstrategies from external actors – the migrants themselves and their networks primarily, but also voluntary organizations more generally.

This Delmi report has presented numerous examples of initiatives from politicians and agencies. These have aimed at improving internal processes and working methods, but there are also a number of initiatives that were intended to influence asylum seekers' attitude towards return. Are these initiatives working? There are plenty of actors in the system, from NGOs to more activist-oriented groups, that meet migrants' interests in different ways. They provide support during the asylum process as well as after a rejection and use the opportunities available to get a new trial even when the prospects may seem small.

In Sweden, as elsewhere in Europe, there are a significant number of 'bastard institutions', such as informal markets for housing, care and employment that make it possible to live – or at least survive – in a parallel community. Due to the existence of such institutions, the authorities' attempts to restrict access to rights following a rejection notice (2016 LMA reform) or when an asylum seeker did not cooperate in identity verification efforts (the 2004 tightening of daily allowance), did not work very well. This counterstrategy also illustrates the importance of understanding how policy changes affect the target group: in theory, it should have provided incentives to return, but in practice, the agencies lost contact with the group, which made implementation even more difficult.

Generally speaking, a successful counterstrategy has been to pressure politicians and other decision-makers for a change in the legislation and, at the government agency-level, a change in the application of working methods, routines, etc. In both the 2005–2006 and the 2018 regularization cases, the legislation was the result of a strong wave of public opinion in which a coalition of groups, including many

NGOs, mobilized to change the law. In the case of the 2012–2014 REVA debate, in-country checks became discredited and more difficult to carry out in practice – which in turn made enforcement work more difficult.

8.6 Cooperation between different actors: what works and what does not work?

One question that was asked in this study was which actors have defined roles when implementing return policy and how these actors interact with each other. The most important roles are held by the Migration Agency and the Police, and here for obvious reasons there is an interface that needs to be handled. Several internal and external investigations and reports also raise the question of how these agencies cooperate. Communication between them, which has several components, is a central aspect of this cooperation.

Two agencies have primary responsibility – the Migration Agency and the Police. But they need to work with other public actors such as the Prison and Probation Service, the Tax Agency, the Social Insurance Agency, the Country Administrative Boards and municipal administrations, just to name a few. Based on our empirical data, it is notable that several of these actors should have the ability, and often also the willingness, to play a more important role in return work. One example is social services, which certainly has a mission and a responsibility for unaccompanied minors. They also have contact with other irregular migrants in different ways: partly through outreach activities and partly because the Police sometimes need assistance in certain enforcement cases.

A recurring theme in different investigations and reports since the last enforcement reform is about the role of NGOs. Although the great optimism, the difficulties involved in integrating the NGOs into the process have been large. The benefits are obvious as many of the organizations may have an easier time reaching the target group and gaining access to valuable information. The obstacle is, and above all has been, that the NGOs have a fundamentally different mission that is not so easily reconcilable with that of the agencies.

8.7 Is the glass half-empty or half-full?

The purpose of this Delmi report was not to evaluate in the classical sense the effects of, or goal attainment in, return policy. At the same time, it can still be easy to indirectly sort the empirical evidence into ‘good’ and ‘bad’ boxes. The statistics in the area and the basis for the figures in Chapter 4 are not perfect, but still indicate that too few decisions are enforced – whether measured from the point of view of the Police or the Migration Agency. Much of the material in the empirical chapters also have a bias towards the problems and challenges that have been identified. This is typical of implementation research. Researchers are often more interested in the complexities and difficulties that leads to implementation failure, rather than its opposite. The epithet ‘misery research’ is not completely out of place.

With that said, we should keep the following in mind: To succeed in their intent, implementers must *understand* how, and have the *ability* and the *willingness* to implement – and they should also have a favourable environment to work in. In the case of return, the default mode expects that individuals in an asylum process actually want to stay in the country and be granted a residence permit. The research also points to the difficulties for authorities in the implementation phase and that traditional tools and instruments do not work all that well. It is therefore not possible to expect results and outcomes that are not in any way proportional to assumptions.

What is also clear is that public administration is already working hard to improve and renew the existent approaches, methods and processes to ensure that return takes place in humane, legal secure and effective forms. The concluding chapter is our modest and tentative attempt to offer some policy recommendations that can provide insight into the future direction of implementation work.

Endnotes Chapter 8.

1. This quote is taken from two separate interviews with Jessie Ahrdenberg, Migration Agency and Tora Candal, Stockholm City Mission.

9. Policy recommendations

This Delmi-report has addressed a number of questions concerning the implementation of the return policies from an overall view of the migration policy. Many practitioners, decision-makers as well as street-level bureaucrats, who know the issues from their unique perspective can surely find solutions that are reasonable from our analyses, that concerns their agencies, organizations or specific areas. We, as researchers have neither ambition nor knowledge to address particularities concerning the policy recommendations. Our recommendations are, therefore, of a more overarching nature, concerning the conditions for senior officials and street-level-bureaucrats to better navigate between an understanding, ability, and willingness, to implement return policy.

The first recommendation is to identify and handle conflicting objectives in the area of return. The empirical evidence collected in the study indicates that there are many conflicts of aims requiring new considerations and trade-offs. The requirements for legal certainty in the process mean that Sweden offers generous opportunities for reassessment and appeals in the asylum process, impediments to enforcement and track changes. This prolongs the process, complicates return efforts and situates both front-line bureaucrats and applicants in a limbo of great uncertainty. Are all of the existing opportunities to change tracks and appeal the decisions made really necessary? Can the appeals process be more effective in another way? This would shorten the time and reduce the uncertainty for all the ones involved and provide more straightforward decisions.

The second recommendation is to have return in focus right at the beginning of the asylum process. This is of great importance for both the returnee and for all of the activities and actors involved in the return process. The applicant needs to understand early in the process both the consequences of a denied application and the support available in case of return. Like previous studies and investigations in the

field, this report has illustrated the tensions – or rather conflicting objectives – that exist between return and integration. The reception system in Sweden has been characterized by the premise that asylum seekers would have the right to stay and, therefore, the system has offered support for integration. The incentives to return are then reduced and rejection sometimes comes as a shock, which is why a clear focus right from the start is recommended.

The third recommendation is to view return as a more integrated part of migration policy. This especially in light of Sweden having gone from a generous to a more restrictive migration policy. Both those who implement the policy and those who are affected by the consequences must be able to adapt to the new situation. Better communication concerning the goals of the migration policy would give clear signals to those applying for a permit in Sweden and to the civil society that is upholding a tradition of generosity. When vulnerable groups such as unaccompanied minors are refused entry and expelled, a clear explanation of the process is needed from a legal certainty and humane perspective, not only by Government officials and front-line bureaucrats, but also by those who decide on migration policy.

The fourth recommendation concerns utilizing existing research as well as encouraging new studies on return and policy implementation, from different perspectives and using different methods. The need for further studies becomes evident when considering the large knowledge gaps that existing research on Swedish conditions do not cover. Enabling this will require research funding, of course, but also permission to use and match register data from different systems from the beginning of the asylum process and onwards. In addition, a working interface must be established between research and practice in order to collaborate and create synergies. There are arenas and advanced collaborations in the area of integration that can serve as models.

The fifth recommendation is to better cover the extensive knowledge, education and training needs that exist within the various Government agencies and operative organs. One example is the need for an increased border Police competence within the Police, but also knowledge among actors who come into contact with the group in question, such as the social services and municipal administrations. This

knowledge lift can also help raise the status of the personnel who actively work with return and enforcement work at the relevant authorities.

The final, and most important, recommendation links all of these themes together and concerns consistency in policy design. On repeated occasions in the discourse as well as in proposals and the steering documents, return issues are said to be important and prioritized. At the same time, decisions are made about, for example, regularization and track change opportunities. Such decisions have opposite effects that both exacerbate return work and send signals through the system that a no is not always a no. Legislators should make a decision. If it is a priority to increase the number of enforced cases, this should be reflected in the decisions made. It is of utmost importance that the policies are clear for implementors and especially for those who try to come to Sweden in the hope that they can stay.

Interviews and discussions

Ahrdenberg, Jessie: team leader, Migration Agency Örebro, 15 March 2019.

Axelsson, Niclas: legal expert, Migration Agency, 25 February 2019.

Bengtsson, Magnus: process owner, Migration Agency, 30 January 2019.

Boström, Jan: investigator, Agency for Public Management discussion, 8 March 2019.

Candal, Tora: legal professional, Stockholm City Mission, 11 December 2018.

Debono, Daniela; researcher at Malmo university (MIM), 21 January 2019.

Dragusha, Milot: senior administrative officer, Ministry of Justice, 14 March 2019.

Engström, Patrik: Head of National Border Policing Section NOA, 1 Mars 2019.

Eriksson, Mikaela; senior administrative officer, Ministry of Justice EMA, 14 February 2019.

Fridell Anter, Karin: board member, Pillar of Support (Stöttepelaren), 22 March 2019.

Grahn, Tommy: decision-maker Border Policing Section NOA, 20 February 2019.

Group discussion social services and labour administration, City of Stockholm, 1 February 2019.

Hagan, Mikaela: project manager, Red Cross, 10 December 2018.

Hashemi-Nik, Amir: development manager, Stockholm County Administrative Board, 3 May 2019.

Hultqvist, Maria: statistics administrator, Border Policing Section NOA, 20 February 2019.

Informant 1: asylum case manager at Migration Agency Region Stockholm, 28 November 2018.

Informant 2: decision-maker at Migration Agency Region Stockholm, 5 December 2019.

Johansson, Martin G; development manager, Stockholm County Administrative Board, 3 May 2019.

Karim, Ciya; development manager, Stockholm County Administrative Board, 3 May 2019.

Karlsson, Marie-Anne: investigator, National Board of Health and Welfare, 4 February 2019.

Köhler, Malin: regional process manager Border Policing Section Region Central, 7 March 2019.

Ledin, Ove: case manager Swedish Association of Local Authorities and Regions (SKL), telephone call 9 April 2019.

Lindblad, Anna: chief legal counsel, Refugee Law Center, 10 April 2019.

Lindholm, Elisabeth: development manager, Strömsund Municipality, telephone interview, 21 March 2019.

Lund, Magdalena: EMN expert, Migration Agency, 14 September 2018.

Macek, Lucie: district court judge, former secretary in Swedish Government Official Report on Return, discussion 16 October 2018.

Malkan, Johan: deputy director, Ministry of Justice, 28 March 2019.

Millbert, Göran: manager, Division for Police Issues, Ministry of Justice, 21 August 2019.

Olseke, Rickard; thematic advisor, Red Cross, 17 December 2018.

Orler, Ann-Marie: county police commissioner, telephone call, 26 August 2019.

Petersson, Åsa: process manager, Border Policing Section NOA, 13 February 2019.

Qvarnström, Eva: manager Prison and Probation Service, Transport Service (NTE), discussion November 2018.

Rännar, Kristina: process manager, Migration Agency, 30 January 2019.

Rönnqvist, Sofia; senior consultant at Sweco Society AB, 18 January 2019.

Spaak, Sverker: former process owner Migration Agency, 15 August 2019.

Thäter, Gisela: division manager Protection, Red Cross, 6 December 2018.

Torvik, Kjell-Terje: return liaison officer, Migration Agency, 30 September 2019.

Wilton-Wahren, Alexandra: head of legal department, Ministry of Finance, 18 December 2018.

Wiberg, Jerk: section manager, Stockholm Border Police, discussion 25 September 2019.

References

Administrative Court of Appeal. (2018). <http://www.kammarrattenistockholm.domstol.se/Om-kammarratten-/Provningstillstand/>. Accessed 20 December 2018.

Administrative Procedures Act. (1986:223).

Agency for Public Management. (2007). *Utvärdering av Migrationsverkets nya organisation*, 2017:6. Stockholm.

Agency for Public Management. (2010). *Uppföljning av återetableringsstödet*, 2010:4.

Altamirano, Aina Tollefsen. (1995). Return Migration on the Policy Agenda in Sweden. *Applied Geography*, 15(3), 267-279.

AMIF. (n.d.). 'Ex-post evaluations of actions co-financed by the European return fund under the 2011-2013 annual programmes for member state Sweden'.

Andersson, Lars M & Kvist Geverts, Karin. (2008). Inledning. In Lars M Andersson, & Karin Kvist Geverts (Eds.), *En problematisk relation? Flyktingpolitik och judiska flyktingar i Sverige 1920–1950*. Opuscula Historica Upsaliensia, 36.

Backlund, Åsa, Eriksson, Riitta, von Greiff, Katarina & Åkerlund, Eva Maria. (2014). *Socialtjänstens arbete med ensamkommande barn och ungdomar – erfarenheter från Stockholms län*, Research report 2014:3. FoU-Nordost & FoU-Nordväst & FoU-Södertörn.

Berglund, Tomas & Sennerteg, Niclas. (2008). *Svenska koncentrationsläger i Tredje Rikets skugga*. Stockholm: Natur & Kultur.

Bernitz, Ulf & Kjellgren, Anders. (2014). *Europarättens grunder* (5th ed.). Stockholm: Norstedts Juridik.

Bexelius, Maria. (2016). Ain't I a woman? Våldsutsatta kvinnors rättssubjektivitet mellan kvinnofrid och utvisningshot. In Maja Sager, Helena Holgersson and Klara

Öberg (Eds.), *Irreguljär migration i Sverige: Rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.

Björngren Cuadra, Carin. (2016). Socialt arbete med papperslösa. Collateral damage och erkännbarhet i den kommunala socialtjänsten. In Maja Sager, Helena Holgersson and Klara Öberg (Eds.), *Irreguljär migration i Sverige: Rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.

Black, Richard, Koser, Khalid, Munk, Karen, Atfield, Gary, D'Onofrio, Lisa, & Tiemoko, Richmond. (2004). *Understanding voluntary return* (Home Office Online Report 50/04). Brighton: Sussex Centre for Migration Research.

Borevi, Karin. (2014). Multiculturalism and welfare state integration: Swedish model path dependency. *Identities: Global Studies in Culture and Power*, 21(6), 708-723.

Borg Jansson, Dominika. (2015). Asylsökande och rätten att arbeta. Regelverkets inbörd och möjliga konsekvenser. In Catharina Calleman and Petra Herzfeld Olsson (Eds.), *Arbetskraft från hela världen: Hur blev det med 2008 års reform?*. Delmi Report 2015:9.

Borrelli, Lisa Marie. (2018a). Whisper down, up and between the lanes: Exclusionary policies and their limits of control in times of irregularized migration. *Public Administration*, 96, 806–816.

Borrelli, Lisa Marie & Lindberg, Annika. (2018). The Creativity of Coping: Alternative Tales of Moral Dilemmas among European Migration Officials. *International Journal of Migration and Border Studies*, 4(3), 163–178.

Borrelli, Lisa-Maria. (2018b). Using Ignorance as (Un)Conscious Bureaucratic Strategy: Street-Level Practices and Structural Influences in the Field of Migration Enforcement. *Qualitative Studies*, 5(2), 95–109.

Brekke, Jan-Paul. (2004). *While We Are Waiting: Uncertainty and Empowerment Among Asylum-Seekers in Sweden*. Report 2004:010. Oslo: Norwegian Institute for Social Research.

Brekke, Jan-Paul. (2015). *Why go back? Assisted return from Norway*. Research Report 2015:08. Oslo: Norwegian Institute for Social Research.

- Brochmann, Grete & Hammar, Thomas. (Eds.). (1999). *Mechanisms of Immigration Control: A Comparative Analysis of European Regulation Policies*. Berg Publishers.
- Broeders, Dennis. (2009). *Breaking down anonymity. Digital surveillance of irregular migrants in Germany and the Netherlands*. Amsterdam: Amsterdam University Press.
- Broeders, Dennis. (2010). Return to sender? Administrative detention of irregular migrants in Germany and the Netherlands. *Punishment & Society*, 12(2), 169-186.
- Broeders, Dennis & Engbersen, Godfried. (2007). The fight against illegal migration: Identification policies and immigrants counterstrategies. *American Behavioral Scientist*, 50(12), 1592–1609.
- Bryan, Russ, Cocke, Ben, Gillan, Kirsty, & Thiel, Darren. (2010). *The Voluntary Assisted Return and Reintegration Programme (Varrp) 2004 and 2004 extension: monitoring report*. Research Report, 30. London: Home Office.
- Calleman, Catharina. (2015). "Byta spår" – Ett nålsöga mellan asyl och arbete. In Catharina Calleman and Petra Herzfeld Olsson (Eds.), *Arbetskraft från hela världen: Hur blev det med 2008 års reform?* Delmi Report 2015:9.
- Cassarino, Jean-Pierre. (2004). Theorising Return Migration: the Conceptual Approach to Return Migrants Revisited. *IJMS: International Journal on Multicultural Societies*, 6(2), 253–279.
- Cassarino, Jean-Pierre. (2008). The Conditions of Modern Return Migrants. *IJMS International Journal on Multicultural Societies*, 10(2), 95–105.
- Cassarino, Jean-Pierre. (2014). A Case for Return Preparedness. In Graziano Battistella (Ed.), *Global and Asian perspectives on international migration*. Global Migration Issues, 4, 153-166. Cham: Springer.
- Castles, Stephen. (2004). Why migration policies fail. *Ethnic and Racial Studies*, 27(2), 205–227.
- Çelikaksoy, Aycan & Wadensjö, Eskil. (2018). *Ensamkommande barns och ungas väg in i det svenska samhället*. Delmi Report 2018:3.

Cherti, Myriam & Szilard, Miklos. (2013). *Returning irregular immigrants. How effective is the EU's response?*. Institute for Public Policy Research.

Chetail, Vincent. (2014). The Transnational Movement of Persons under General International Law: Mapping the Customary Law foundation of International Migration Law. In Vincent Chetail and Céline Bauloz (Eds.), *Research Handbook of International Law and Migration*, 1–72. Edward Elgar Publishing.

Cornelius, Wayne A. & Tsuda, Takeyuki. (2004). Controlling Immigration: The limits of Government Intervention. In Wayne A. Cornelius, Takeyuki Tsuda, Philip L. Martin, James F. Hollifield (Eds.), *Controlling Immigration: A global perspective* (2nd ed.), 3–48. Stanford: Stanford University Press.

Cornelius, Wayne, Martin, Philip & Hollifield James F. (Eds.). (1994). *Controlling Illegal Immigration: A Global Perspective*. Stanford: Stanford University Press.

Coutin, Susan B. (2015). Deportation studies: origins, themes and directions. *Journal of Ethnic and Migrations Studies*, 41(4), 671–681.

DeBono, Daniela. (2017). “Burning without fire” in Sweden. In Zana Vathi & Russell King (Eds.), *Return Migration and Psychosocial Wellbeing*, 129–148.

DeBono, Daniela & Rönnqvist, Sofia & Magnusson, Karin. (2014). Between a Rock and a Hard Place: The Unwelcome Researcher in Deportation Research. *EASA Conference paper* Tallinn, 3 August 2014.

DeBono, Daniela & Rönnqvist, Sofia och Magnusson, Karin. (2015a). *Humane and dignified? Migrants' Experiences of Living in a "State of Deportability" in Sweden*. Malmö University, MIM.

DeBono, Daniela & Rönnqvist, Sofia och Magnusson, Karin. (2015b). <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2015/02/suspicious-minds>. Accessed 16 January 2019.

Doctors Without Borders. (2005). *Gömnda i Sverige: Utestängda från hälso- och sjukvård: resultat av en studie av Läkare utan gränser*.

Drotbohm, Heike & Hasselberg, Ines. (2014). Introduction. Deportation, Anxiety, Justice: New Ethnographic Perspectives. *Journal of Ethnic and Migration Studies*, 41(4), 551–562.

- Ds. (1988:33). Återvändningsfrågor: en genomgång. Ministry of Employment.
- Ds. (2004:57). Bistånd vid transitering i samband med återvändande med flyg. Ministry of Foreign Affairs.
- Ds. (2007:27). Ett effektivt och flexibelt system för arbetskraftsinvandring. Ministry of Justice.
- Ellermann, Antie. (2008). The Limits of Unilateral Migration Control: Deportation and Interstate Cooperation. *Government and Opposition*, 32(2), 168-189.
- EMN. (2007). *Return Migration*. Final report May 2007, European Migration Network. http://emn.ie/files/p_20100716103052return%20migration%20synthesis%20report.pdf.
- EMN. (2009). Programmes and Strategies in the EU Member States Fostering Assisted Return to and Reintegration in Third Countries, Country Report Sweden.
- EMN. (2011). *Programmes and strategies in the EU member states fostering Assisted Return to and Reintegration in Third Countries*. European Migration Network.
- EMN. (2014). The use of detention and alternatives to detention in the context of immigration policies. European Migration Network. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_detention_alternatives_to_detention_synthesis_report_en.pdf. Accessed 9 January 2019.
- EMN. (2017). *The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards*. Country Report Sweden.
- EMN Sweden. (2016). *Returning Rejected Asylum Seekers: challenges and good practices Country Report Sweden*, Report from EMN Sweden/Migration Agency 2016:1.
- Engbersen, Godfried & Broeders, Dennis. (2009). The State versus the Alien: Immigration Control and Strategies of Irregular Immigrants. *West Europeans Politics*, 32(5), 867-885.
- Esaiasson, Peter & Sohlberg, Jacob. (2018). *Asylsökandes möte med Sverige. Lärdomar från en panelundersökning*. Stockholm: Delmi-rapport 2018:8, Migration Studies Delegation.

European Commission "Return & Readmission". (n.d.). https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en. Accessed 5 February 2019.

European Commission. (2017). *Communication from the Commission to the European Parliament and the Council on a more effective return policy in the European Union – A renewed action plan*.

European Commission. (2018). 'A stronger and more effective European return policy' State of the Union 12 September 2018. https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-factsheet-returns-policy_en.pdf.

European Refugee Fund. (2014). Final report from: 'REVA-rättssäkert och effektivt verkställighetsarbete del 3. Implementering och delprojekt'. Stockholm Migrationsverket.

European Return Fund. (2012). *Project co-funded by the European Return Fund 2012*, (24 May 2012).

Feldman, Gregory. (2012). *The Migration Apparatus. Security, Labor and Policymaking in the European Union*. Stanford: Stanford University Press.

Filges, Trine & Montgomery, Edith & Kastrup, Marianne. (2018). 'The Impact of Detention on the Health of Asylum Seekers: A Systematic Review.' *Research on Social Work Practice*, 28(4), 399–414.

Frödin, Olle & Kjellberg, Anders. (2015). Arbetskraftsinvandring från tredje land i restaurang- och städbranscherna. In Catharina Calleman & Petra Herzfeld Olsson (Eds.), *Arbetskraft från hela världen. Hur blev det med 2008 års reform?* Delmi Report 2015:9, Migration Studies Delegation.

Frödin, Olle & Kjellberg, Anders. (2017). Arbetskraftsmigration från tredje land i låglöneyrken, *Arbetsmarknad & Arbetsliv*, 23(1), 82-100.

Frykskog, Nadja. (2018). *Upphållstillstånd genom undantagsbestämmelse. En explorativ studie av svenska regulariseringsbeslut*. Kandidatuppsats Statsvetenskapliga Institutionen, Uppsala universitet.

- Geneva Convention. (1951). 1951 convention relating to the status of refugees, Geneva 28 July 1951.
- Gerver, Mollie. (2017). Paying Refugees to Leave. *Political Studies*, 65(3), 631–645.
- Goodman, Simon & Burke, Shani & Liebling, Helen & Zasada, Daniel. (2015). I can't go back because if I go back I would die: How asylum seekers manage talk about returning home by highlighting the importance of safety'. *Journal of Community & Applied Social Psychology*, 25(4), 327-339.
- Government Bill. (1979/80:96). 'Med förslag till ny utlänningslag m.m.'.
- Government Bill. (1988/89:86). 'Med förslag till utlänningslag m.m.'.
- Government Bill. (1993/94:94). 'Mottagande av asylsökande m.m.'.
- Government Bill. (1997/98:173). 'Verkställighet och återvändande – en del av asylprocessen'.
- Government Bill. (1997/98:182). 'Strategi för att förverkliga FN:s konvention om barnets rättigheter i Sverige'.
- Government Bill. (1999/2000:43 SfU9). 'Uppehållstillstånd på grund av anknytning'.
- Government Bill. (2004/05:170). 'Ny instans- och processordning i utlännings- och medborgarskapsärenden'.
- Government Bill. (2017/18:176). 'Utökade möjligheter till arbetsplatsinspektioner'.
- Government Bill. (2017/18:252). 'Extra ändringsbudget för 2018 – Ny möjlighet till uppehållstillstånd'.
- Gubert, Flore. (2014). The discourse and practice of co-development in Europe. In Robert Lucas (Ed.), *International Handbook on Migration and Economic Development*, 113-151. Cheltenham: Edward Elgar.
- Guiraudon, Virginie & Lahav, Gallya. (2000). A Reappraisal of the State Sovereignty Debate. The Case of Migration Control. *Comparative political studies*, 33(2), 163-195.
- Hall, Patrik & Löfgren, Karl. (2006). *Politisk styrning i praktiken*. Malmö: Liber.

- Hammar, Tomas. (1964). *Sverige åt svenskarna – Invandringspolitik, utlänningskontroll och asylrätt 1900–1932*. Stockholm: Caslon Press.
- Hansson, Jonas. (2017). *Mind the Blues: Swedish Police Officers' Mental Health and Forced Deportation of Unaccompanied Refugee Children*. Umeå University medical dissertations, Umeå.
- Hasselberg, Ines. (2014). Coerced to leave: Punishment and the surveillance of foreign-national offenders in the UK. *Surveillance & Society*, 12(4), 471-484.
- Hogwood, Brian W. & Gunn, Lewis A. (1984). *Policy Analysis for the Real World*. Oxford: Oxford University Press.
- Holgersson, Helena. (2011). *Icke-medborgarskapets urbana geografi*. Gothenburg: Glänta produktion.
- Holgersson, Helena. (2014). The urban geography of Swedish non-citizenship. In Francisco Martinez & Klemen Slabina (Eds.), *Playgrounds and battlefields: Critical perspectives of social engagement*, 183-237. Tallinn: Tallinn University Press.
- Hollifield, James F. (2008). The politics of international migration: how can we bring the state back in?. In Caroline B. Brettell & James F. Hollifield (Eds.), *Migration Theory. Talking across Disciplines*. Routledge.
- Hydén, Sophie & Lundberg, Anna. (2004). *Inre utlänningskontroll i polisarbete: mellan rättsstatsideal och effektivitet i Schengens Sverige*. Diss. av båda författarna. Linköping: Linköping University.
- Johansson, Isak N & Hallenius, Sebastian. (2016). *En förvaltningsmyndighets förändringsresa – Nycklar till organisationsförändring*. Department of Economics, Swedish University of Agricultural Sciences, Degree project no. 1016.
- Jonsson, Anna & Borg, Dominika. (2006). *Return: The Swedish Approach*. Working paper nr 108, Department of Euroasian Studies, Uppsala University.
- Joppke, Christian. (1988). Why Liberal States accept unwanted Immigration. *World Politics*, 50, 266-293.

- Khosravi, Shahram. (2009). Sweden: detention and deportation of asylum seekers. *Race & Class*, 50(4), 38–56.
- Khosravi, Shahram. (2010). An ethnography of migrant ‘illegality’ in Sweden: Included yet excepted?. *Journal of International Political Theory*, 6(1), 95–116.
- Khosravi, Shahram. (2016). Gränsvakter och gränsmänniskor. In Maja Sager, Helena Holgersson, Klara Öberg (Eds.), *Irreguljär migration i Sverige: rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.
- Koser, Khalid. (2005). Irregular migration, state security and human security. A paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration.
- Koser, Khalid & Kuschminder, Katie. (2015). *Comparative Research on the Assisted Voluntary Return and Reintegration of Migrants*. Geneva: IOM.
- Kovacheva, Vesela & Vogel, Dita. (2009). The size of the irregular foreign resident population in the European Union in 2002, 2005 and 2008: aggregated estimates. Hamburg Institute of International Economics (HWWI), Database on Irregular Migration, Working paper No.4.
- Leander, Peter. (2014). *Skyldig tills motsatsen bevisats? En granskning av Polisens inre utlänningskontroller*. Aréna Idé.
- Leerkes, Arjen & Kox, Mieke. (2017). Pressured into a Preference to Leave? A Study on the “Specific” Deterrent Effects and Perceived Legitimacy of Immigration Detention. *Law & Society Review*, 51(4), 895–929.
- Leerkes, Arjen & van Os, Rianne & Boersema, Eline. (2017). What drives ‘soft deportation’? Understanding the rise in Assisted Voluntary Return among rejected asylum seekers in the Netherlands. *Population, Space and Place*, 23(8), 1–11.
- Lennartsson, Rebecka. (2007). *Mellan hopp och förtvivlan. Erfarenheter och strategier i väntan på asyl: En etnologisk undersökning om situationen för asylsökande i eget boende i Västmanland och Uppsala län*. Asylmottagande i fokus, NTG asyl & integration, 2007:4.

Levinson, Amanda. (2005). *The Regularization of Unauthorized Migrants: Literature Survey and Country Case Studies*. Oxford: Centre on Migration, Policy and Society, University of Oxford.

Lietaert, Ine. (2016). *Perspectives on return migration: A multi-sited, longitudinal study on the return processes of Armenian and Georgian migrants* (Doctoral dissertation, Ghent University).

Lindberg, Annika & Borrelli, Lisa Marie. (2017). Let the Right One In – On Migration Authorities' Resistance to Research. <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/11/let-right-one>. Accessed 16 January 2019.

Lindholm, Elisabeth. (2015). *En bättre start för nyanlända barn – Erfarenheter från projekt "Begränsat för alla"*. Strömsund Municipality.

Lipsky, Michael. (1980). *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.

Löfgren, Karl. (2012). *Implementeringsforskning – En kunskapsöversikt*. Malmö: Kommissionen för ett socialt hållbart Malmö.

Lundquist, Lennart. (1987). *Implementation steering. An Actor-Structure approach*. Lund: Studentlitteratur.

Mazmanian, Daniel. A. & Sabatier, Paul A. (1983). *Implementation and Public Policy*. Palo Alto: Scott Foresman.

Migration Agency. (2002-2017). *Annual Reports*.

Migration Agency. (2003). *Slutrapport Sökandeundersökning. Återvändande, analys slutsatser och förslag*.

Migration Agency. (2006b). *Slutrapport. Arbetet med den tillfälliga utlänningslagstiftningen 2005-2006*. Annex to the 2006 annual report.

Migration Agency. (2008). Uppföljning av 'Handlingsplan för återvändande i syfte att förbättra förutsättningarna för ett effektivt arbete, 31 August 2008, PM 2008-10-13.

- Migration Agency. (2011-2013). *Appropriation Directions*.
- Migration Agency. (2011). *Verksamhets- och kostnadsprognos 2011-02-23*.
- Migration Agency. (2013). *Asylprocessen – en analys av ett komplext system utifrån en systemansats*. Final report for regeringsuppdrag Ju2013/8626/SIM.
- Migration Agency. (2015). Drömmen om ett bättre liv. Framtidsbild 2018. <https://www.yumpu.com/sv/document/view/19990527/drommen-om-ett-battare-liv-migrationsverket>. Accessed 29 January 2019.
- Migration Agency. (2016a). *Rättsligt ställningstagande angående praktiska verkställighetshinder*. SR 25/2016, 2016-07-07, Lifos 37731.
- Migration Agency. (2016b). Polismyndighetens tillgång till Migrationsverkets fingeravtrycksregister för ändamålet att kontrollera inresandes identitet och att den inreste uppfyller de formella kraven enligt Utlänningslagen, för rätt till inresa och vistelse i Sverige. Judicial Inquiry 25 October 2016.
- Migration Agency. (2017b). Utkastet till lagrådsremiss Uppehållstillstånd för studier på gymnasial nivå. Referral from Migration Agency, 9 January 2017, Ref.: 1.4.3-2016-178626.
- Migration Agency. (2017c). Handlingsplan för redovisade förslag i återrapportering av Migrationsverkets uppdrag i regleringsbrevet för budgetår 2017. 19 July 2017, Ref. 1.1.1.2017-62163.
- Migration Agency. (2018a). <https://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige>. Accessed 27 January 2019.
- Migration Agency. (2018b). Rutiner kopplade till återvändandedirektivet.
- Migration Agency. (2018c). Utkast till lagrådsremiss. Ny möjlighet till uppehållstillstånd. Referral from Migration Agency 12 February 2018, Ref.: 1.4.3-2018-5231.
- Migration Agency. (2019a). Samtalsguide för underrättelsesamtal efter Migrationsverkets beslut (UR). Version 2019-01-08.
- Migration Agency. (2019b). *Handbok i migrationsärenden. Handläggning av återvändarärenden*. Updated 8 January 2019.

Migration Agency. (2019c). Enkät svar från teamledare i tre regioner om Migrationsverkets verksamhet. Supplied by Kristina Rännar, February 2019.

Migration Agency. (2019d). Generaldirektörens administrativa beslut om ansvarsfördelning mellan Migrationsverket och Polimyndigheten. Record 2019-08-19, A-063/2019.

Migration Agency. (n.d. b). <https://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/Efter-beslut/Om-du-far-avslag-pa-din-ansokan/Stod-till-ateretablering/Stod-till-aterintegrering.html>. Accessed 22 February 2019.

Migration Agency. (n.d. c). <https://www.migrationsverket.se/Privatpersoner/Forvar-och-uppsikt.html>. Accessed 20 May 2019.

Migration Agency. (n.d.). <https://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/Efter-beslut/Om-du-far-avslag-pa-din-ansokan/Stod-till-ateretablering/Ekonomiskt-stod.html>. Accessed 22 February 2019.

Migration Agency & National Police Board & Prison and Probation Service. (2010). *Förstudierapport projekt REVA*. Ref.: 2010-111-28661.

Migration Agency and Police Authority. (2016). *Återvändandeuppdraget – en myndighetsövergripande försöksverksamhet för ett effektivare återvändande*. Final report for regeringsuppdrag Ju2015/01326/SIM m.fl.

Migration Court of Appeals. (2007). Judgement 2007:46.

Migration Court of Appeals. (2009). Judgement 2009:13.

Ministry of Justice. (2006). Regleringsbrev för budgetåret 2006 avseende Migrationsverket.

Ministry of Justice. (2009). Regleringsbrev för budgetåret 2009 avseende Rikspolisstyrelsen och övriga myndigheter inom polisorganisationen. 26 November 2009.

Ministry of Justice. (2010). Regleringsbrev för budgetåret 2010 avseende Rikspolisstyrelsen och övriga myndigheter inom polisorganisationen. 16 December 2010.

- Ministry of Justice. (2014). Regleringsbrev för budgetåret 2014 avseende Migrationsverket. 11 December 2014.
- Ministry of Justice (2016). Regleringsbrev för budgetåret 2016 avseende Migrationsverket. 4 February 2016.
- Ministry of Justice. (2017). Regleringsbrev för budgetåret 2017 avseende Polismyndigheten. 7 December 2017.
- Ministry of Justice. (2018/19). Faktapromemoria 2018/19: Reviderat återvändande-direktiv. 15 October 2018.
- Ministry of Justice. (2018a). Regleringsbrev för budgetåret 2018 avseende Migrationsverket. 28 June 2018.
- Ministry of Justice. (2018b). Regleringsbrev för budgetåret 2018 avseende Polismyndigheten. 21 December 2017.
- Moknes, Heidi. (2016). Papperslösa arbetare och möjligheterna för facklig organisering. In Maja Sager, Helena Holgersson and Klara Öberg (Eds.), *Irreguljär migration i Sverige: Rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.
- Money, Jeanette & Lockhart, Sarah P. (2018). *Migration Crises and the Structure of International Cooperation*. Athens: University of Georgia Press.
- Nakamura, Robert T. & Smallwood, Frank. (1980). *The Politics of Policy Implementation*. New York: St. Martins Press.
- National Audit Office. (2017:25). Konsekvensanalyser inför migrationspolitiska beslut. RIR 2017:25.
- National Board of Health and Welfare. (2010). *Social rapport 2010*.
- National Board of Health and Welfare. (2018). Kommunernas beredskap – unga som får uppehållstillstånd enligt den nya gymnasielagen. PM 2018-12-18.
- National Board of Immigration. (1998). GD protokoll nr 67, 1998.
- National Police Board. (2006). *Uppföljande inspektion av handläggning av vissa utlänningsärenden*. Controller Department Inspection Unit. Ref. VKA-128-2981/05.

National Police Board. (2007a). Effektivare och rättssäkrare verkställighet av av- och utvisningsbeslut. Investigation POA-638-1487/07.

National Police Board. (2007b). Effektivare och rättssäkrare verkställighet av av- och utvisningsbeslut. Investigation POA-638-1487/07. Appendix 2.

National Police Board. (2013). *Handläggningen av Polisens verkställighetsärenden i samband med avvisnings- eller utvisningsbeslut*. Supervisory Report 2013:10.

National Police Board. (2014a). *Inre utlänningskontroll*. Supervisory Report 2014:14.

National Police Board. (2014b). *Rikspolisstyrelsens föreskrifter och allmänna råd om verkställighet av beslut om avvisning och utvisning*. RPSFS 2014:8.

Nielsen, Amanda. (2016a). *Challenging Rightlessness. On Irregular Migrants and the Contestation of Welfare State Demarcation in Sweden*. Linnaeus University Dissertations, Växjö.

Nielsen, Amanda. (2016b). Utan rättigheter i välfärdsstaten. En analys av den svenska riksdagsdebatten kring amnesti och papperslösas rätt till vård. In Maja Sager, Helena Holgersson and Klara Öberg (Eds.), *Irreguljär migration i Sverige: Rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.

Nitz, Lena. (2013). Polisförbundet: Jakten på effektivitet får aldrig gå ut över rättssäkerheten. *Dagens Arena*. Op-Ed article. 1 March 2013: <http://www.dagensarena.se/opinion/polisforbundet-jakten-pa-effektivitet-far-aldrig-gaut-over-ratts-sakerheten/>. Accessed 25 October 2018.

NMT Sverige. (uå). <https://www.nmtsverige.se/sites/default/files/Information%20for%20myndigheter%20och%20frivilligorganisationer.pdf>. Accessed 22 February 2019.

Noll, Gregor. (1999). Rejected asylum seekers. The problem of return. *International Migration Quarterly Review*, 37(1), 267–288.

Nordic Council of Ministers. (1989). *Rapport från Nordiska ministerrådets seminarium om återvändningsfrågor, den 15-15 mars 1989*. NAUT-rapport 1989:9, Köpenhamn.

- Nordling, Vanna. (2016). Utmaningar av medborgarskap i socialarbetarnas praktik. In Maja Sager, Helena Holgersson and Klara Öberg (Eds.), *Irreguljär migration i Sverige: Rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.
- Norström, Eva. (2004). *I väntan på asyl. Retorik och praktik i svensk flyktingpolitik*. Etnologiska inst, Lund University, Boréa.
- NTG Asyl. (2007:3). *Återvändande i Sverige och i Europa. Policy, praxis och projekterfarenheter*. Sekretariatet för NTG-asyl & integration, Stockholm.
- Øien, Cecilie & Bendixsen, Synnøve. (2012). *Det riktige valget? Motivasjon og beslutningsprosess når avviste asylsøkere velger frivillig retur*, Fafo report 2012:37. Oslo: Fafo.
- Orrenius, Pia M. & Zavodny, Madeline. (2016). Irregular Immigration in the European Union. Federal Reserve Bank of Dallas, Research Department, *Working Paper 1603*.
- Oslo Economics. (2016). *Effekter av tvangsreturer for assistert retur*. Rapport utarbeidet på oppdrag fra Justis og beredskapsdepartementet. Oslo: Oslo Economics.
- Paasche, Erlend & Plambech, Sine & Skilbrei May-Len. (2016). *Assistert retur til Nigeria*. Oslo: Department of Criminology and Sociology of Law University of Oslo.
- Parliamentary Ombudsmen. (2016). Uttalanden om Polismyndighetens möjligheter att vidta tvångsåtgärder vid verkställighet av avvisnings- och utvisningsbeslut enligt 12 kap. 14 § utlänningslagen. Parliamentary Ombudsman, Ref. 836-2015.
- Parliamentary Ombudsmen. (2017a). Granskning av Polismyndighetens handläggning av verkställighetsärenden. Parliamentary Ombudsmen, Ref. 6758-2016.
- Parliamentary Ombudsmen. (2017b). Anmälan till JO mot socialtjänsten inom samtliga stadsområdesförvaltningar i Malmö kommun samt Polismyndigheten, gränspolissektionen i region Syd. Parliamentary Ombudsmen, Ref. 675-2017.
- Parusel, Bernd. (2009). Country profile Sweden, *Focus Migration*, no. 18 December 2009.

- Parusel, Bernd. (2015). Country profile Sweden, *Focus Migration*, November 2015.
- Pekka, Annala & Lindvall, Emelie & Lepistö, Marko. (2010). Projekt REVA, Reg. No. 2010-11128661, Migration Agency, National Police Board and Prison and Probation Service, 18 November 2010.
- Peutz, Nathalie & De Genova, Nicholas (Eds.). (2010). *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, Duke University Press.
- Police 'Centrala Gränskontrollen, statistik inre utlänningskontroller'. <https://polisen.se/contentassets/5653ec9d78f84664a3c033603ca6a237/inre-utlanning-skontroller.pdf>.
- Police. (n.d.) <https://polisen.se/contentassets/5653ec9d78f84664a3c033603ca6a237/polisens-statistik-verkstalligheter-2018.pdf> (accessed 19 February 2019).
- Police. (2018a). *Delredovisning enligt regleringsbrevet. Verkställighet av beslut om av- och utvisning samt identitetsuppgifter i verkställighetsärenden*. Polismyndigheten april 2018.
- Police. (2018b). *Polismyndighetens handlägningsbeskrivning för verkställighet av beslut om avvisning, utvisning och överföring*. Swedish Police Authority National Operations Division, Border Policing Section.
- Police. (2019). <https://polisen.se/contentassets/5653ec9d78f84664a3c033603ca6a237/polisens-statistik-verkstalligheter-2012-2018.pdf>. Accessed 19 February 2019.
- Prison and Probation Service. (2009). *Regleringsbrev för budgetåret 2009 avseende Kriminalvården*.
- Prosecution Authority. (2013). *Utvisning på grund av brott – En handledning för åklagare*. RättsPM 2013:5 Utvecklingscentrum, Stockholm.
- Puthoopparambil, Soorej Jose & Ahlberg, Beth Maina & Bjerneld, Magdalena. (2015). A prison with extra flavours : Experiences of immigrants in Swedish immigration detention centres. *International Journal of Migration, Health and Social Care*, 11(2), 73–85.

- Puthoopparambil, Soorej Jose & Bjerneld, Magdalena & Källestål, Carina. (2015). Quality of life among immigrants in Swedish immigration detention centres: a cross-sectional questionnaire study. *Global Health Action*, 8(1) 1-10.
- Qvist, Martin. (2008). Samordnat mottagande? Styrnings- och samordningsprocesser inom introduktion och flyktingmottagande. Linköping, REMESO.
- Riksdag. (2018). Utgiftsområde 8 Migration –regeringens resultatredovisningar i ett 20-årigt perspektiv. 2017/18:RFR20.
- Robjant, Katy & Hassan, Rita & Catona, Cornelius. (2009). Mental Health implications of Detaining Asylum Seekers: Systematic Review. *The British Journal of Psychiatry*, 194, 306–312.
- Rosén, Annika. (2010). *Är detta seriöst?: en studie av anhöriginvandring till Sverige*. School of Social Work, Lund University.
- Sager, Maja. (2011). *Everyday Clandestiny: Experiences on the Margins of Citizenship and Migration Policies*. Lund: Department of Gender Studies, Lund University.
- Sager, Maja & Holgersson, Helena & Öberg, Klara. (2016). Introduktion. In Maja Sager, Helena Holgersson and Klara Öberg (Eds.), *Irreguljär migration i Sverige: Rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.
- Sannerstedt, Anders. (2001). Implementering. Hur politiska beslut genomförs i praktiken. In Bo Rothstein (Ed.), *Politik som organisation. Förvaltningspolitikens grundproblem*. Stockholm: SNS förlag.
- Scalettari, Giulia & Gubert, Flore. (2018). Return Schemes from European Countries: Assessing the Challenges. *International Migration*, 57(4), 91–104.
- SFS–Swedish Code of Statutes. (2006:97). *Utlänningsförordning*. SFS (2014:198) *Lag om ändring i utlänningslagen* (2005:716).
- SFS–Swedish Code of Statutes. (2018:756). *Lag om ändring i lagen (2016:752) om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*.
- SfU5. (2005/06). Ny prövning av avvisnings- och utvisningsbeslut.

Sigvardsdotter, Erika. (2016). En papperslös livsvärld. Utanförskapets fenomenologi. In Maja Sager, Helena Holgersson and Klara Öberg (Eds.), *Irreguljär migration i Sverige: Rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar*. Stockholm: Daidalos.

Södergran, Lena. (1999). Svensk integrationspolitik och återvändandeproblematiken. In Berit Berg and Carl-Ulrik Schierup (Eds.), *Integration – retorik, politik, praktik: Om bosniska flyktingar i Norden*. Copenhagen: Nordic Council of Ministers.

Södergran, Lena. (2000). *Svensk invandrar- och integrationspolitik. En fråga om jämlikhet, demokrati och mänskliga rättigheter*. Department of Sociology, Umeå University.

Sønsterudbråten, Silje. (2018). *Assistert retur: En kunnskapsstatus*. Fafo-rapport 2018:16.

Sønsterudbråten, Silje & Takvam Kindt, Kristian & Vevstad, Vigdis & Mørk, Jørgen. (2016). *Retur som avtalt? En effektivitetsstudie av Norges returavtaler*. Fafo report 2016:35.

SOU–Swedish Government Official Reports. (1945:1). *Betänkande med förslag till utlänningslag och lag angående omhändertagande av utlänning i anstalt eller förläggning*, Stockholm.

SOU–Swedish Government Official Reports. (1988:1). *Översyn av utlänningslagen betänkande av utredningen för översyn av utlänningslagen*, Stockholm.

SOU–Swedish Government Official Reports. (1993:113). *Invandring och asyl i teori och praktik. En jämförelse mellan tolv länders politik*. Report from committee on immigration and refugees, Ministry of Culture, Stockholm.

SOU–Swedish Government Official Reports. (1995:55). *Ett samlat ansvar för asylärenden, Delbetänkande av utredningen om verkställighet av beslut om avvisning och utvisning*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (1997:128). *Verkställighet och kontroll i utlänningsärenden*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2003:25). *Verkställighet vid oklar identitet m.m.* Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2007:34). *Skolgång för barn som skall avvisas eller utvisas*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2009:60). *Återvändandedirektivet och svensk rätt, Delbetänkande av försvarsutredningen*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2010:5). *Skolgång för alla barn*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2011:7). *Transporter av frihetsberövade. Betänkande av utredningen om transporter av frihetsberövade personer*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2011:17). *Förvar: Slutbetänkande av Försvarsutredningen*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2011:28). *Cirkulär migration och utveckling – förslag och framåtblick*. Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2017:84). *Uppehållstillstånd på grund av praktiska verkställighetshinder och preskription. Betänkande av Utredningen om uppehållstillstånd på grund av praktiska verkställighetshinder*. Statens offentliga utredningar 2017:84, Stockholm.

SOU–Swedish Government Official Reports. (2017:93). *Klarlagd identitet – Om utlänningsrätt att vistas i Sverige, inre utlänningskontroller och missbruk av identitetshandlingar*, Statens offentliga utredningar, Stockholm.

SOU–Swedish Government Official Reports. (2018:22). *Ett ordnat mottagande – gemensamt ansvar för snabb etablering eller återvändande*, Statens offentliga utredningar, Stockholm.

Spencer, Sarah. (2016). Managing irregular migrants within EU. In Sergio Carrera & Elspeth Guild (Eds.), *Irregular migration, trafficking and smuggling of human beings. Policy Dilemmas in the EU*. Brussels: Centre for European policy studies (CEPS).

Stern, Rebecca. (2012). Hur bedöms ett skyddsbehov? Om gränsdragning, konsekvens och förutsägbarhet i svensk asylpraxis. *Svensk Juridisk Tidskrift*, 3, 282–299.

Stockholm County Administrative Board. (2016). *På flykt och försvunnen. En nationell kartläggning av ensamkommande barn som avviker*, Report 2016:25.

Strand, Arne, Akbari, Arghawan, Wimpelmann Chaudhary, Torunn, Berg Harpviken, Kristian, Sarwari, Akbar & Suhrke, Astri. (2008). *Return with Dignity, Return to What? Review of the Voluntary Return Programme to Afghanistan* Bergen: Chr. Michelsen Institute (CMI Report R 2008: 6). <https://www.cmi.no/publications/file/3055-return-with-dignity-return-to-what.pdf>.

Strand, Arne, Bendixsen, Synnøve, Paasche, Erlend & Schultz, Jessica. (2011). *Between two societies: Review of the information, return and reintegration of Iraqi nationals to Iraq (IRRINI) programme*. Bergen: Chr. Michelsen Institute (CMI Report R 2011:4) <https://www.cmi.no/publications/4155-between-two-societies-review-of-the-information>.

Strand, Arne & Bendixsen, Synnøve & Lidén, Hilde & Paasche, Erlend & Aalen, Lovise. (2016). *Programmes for assisted return to Afghanistan, Iraqi Kurdistan, Ethiopia and Kosovo: A comparative evaluation of effectiveness and outcomes* Bergen: Chr. Michelsen Institute CMI Report 2016: 2. <https://www.cmi.no/publications/5801-programmes-for-assisted-return-to-afghanistan>.

Ström, Fabian & Tran, Joel. (2016). *Vem äger bilden av Migrationsverket? – En mediananalys om framställningen av Migrationsverket bland svenska dags- och kvällstidningar*. Lunds universitet, Institutionen för strategisk kommunikation Examensarbete.

SvD. (8 March 2013). Gränspolis slutar kontrollera i t-banan. <https://www.svd.se/granspolis-slutar-kontrollera-i-t-banan>.

Svt Nyheter. (2019-09-27). Ygeman: Uppemot 80 000 asylsökande kan utvisas. <https://www.svt.se/nyheter/inrikes/tiotusentals-asylsokande-ska-avvisas>.

Tullock, Gordon. (1965). *The Politics of Bureaucracy*. Washington: Public Affairs Press.

United Nations General Assembly. (2018). *Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration*. <https://undocs.org/en/A/CONF.231/3>.

- Van Houte, Marieke & De Koning, Mireille. (2008). Towards a better embeddedness? Monitoring assistance to involuntary returning migrants from Western countries. Nijmegen: cidin, Cordaid and AMIDSt.
- Van Meter, Donald S. & Van Horn, Carl E. (1975). The Policy Implementation Process: A Conceptual Framework. *Administration and Society*, 6(4), 445–488.
- Vedung, Evert. (1998). *Utvärdering i politik och förvaltning* (2nd ed.). Lund: Studentlitteratur.
- Vedung, Evert. (2016). *Implementering i Politik och Förvaltning*. Lund: Studentlitteratur.
- Westerfors, Björn. (2013). Polisens ID-kontroller i konflikt med den (rasifierade) enskildes fri- och rättigheter. Rättstillämpning av inre utlänningskontroll i ljuset av fri- och rättigheter i regeringsformen och Europakonventionen. Degree project in Law Programme, Lund University.
- Wikrén, Gerhard & Sandesjö, Håkan. (2017). *Utlänningslagen med kommentarer* (11th ed.). Wolters kluwer.
- Wikström, Hanna. (2014). Gender, Culture and Epistemic injustice. The Institutional Logic in Assessment of Asylum Applications in Sweden. *Nordic Journal of Migration Research*, 4(4), 210–218.
- Winter, Sören. (1994). *Implementering og effektivitet*. Herning Systime.
- Woodward, Aniek & Howard, Natasha & Wolffers, Ivan. (2014). Health and access to care for undocumented migrants living in the European Union: a scoping review. *Health Policy and Planning*; 29(7), 818–830.
- Öberg, Klara. (2015). *Meanings of social networks and the local productions of deportability: the example of asylum seekers and irregular migrants in the informal labor market in Gothenburg, Sweden* (Doctoral dissertation, Paris, EHESS).

Appendix I Return statistics

The statistics concerning the Migration Agency's decisions are based on the authority's central database of foreign nationals (CUD) during the period 1999–2018. The Police had control of the cases for the period before that, and we have not yet received access to any data for this time.

When an application is submitted to the Migration Agency, it is registered, and a check is made in the CUD and the Migration Agency's register of alien cases to determine whether the applicant is already registered. If the applicant is not in the database, identity information is registered, and a case is set up.

The Migration Agency's case officers then register the case in the database and when a legally binding rejection decision comes into force, there are five categories to choose from:

- *Voluntary return*: When the person has returned to their home country without assistance from the Police.
- *Handed over to the Police – absconded*. When, based on existing information, the person is believed to have not returned voluntarily and instead to have absconded after the refusal-of-entry or expulsion decision.
- *Handed over to the Police – force*. When, based on existing information, the person is believed to have not returned voluntarily and the case is handed over to the Police for enforcement.
- *Written off*. A case is written off when
 - The foreign national has been granted a temporary residency permit and the refusal of entry or expulsion has been cancelled.
 - The Migration Court has cancelled the removal decision and referred the case back to the Migration Agency for a reassessment.
 - The removal decision has become statute-barred
 - A general court decision on expulsion due to crime has gained legal force.

- *Excuse Dublin.* The person has been returned to another EU country under the Dublin Regulation. A Dublin case means that the applicant has sought protection in another country or has a visa or residence permit in another country.

The statistics relating to the Police's enforcement cases (2012–2018) are based on figures reported from the Police's case management system (PÄR). Because a large part of the compilation is done manually, there may be quality deficiencies in the data. There are other also sources of error and the statistics are adjusted and corrected afterwards, which means that the reported figures should be used with great caution, according to the Police.

- *Enforced cases from court Prison and Probation Service.* Number of enforced expulsion cases due to crime for which the Police are responsible for enforcement.
- *Enforced cases from the Migration Agency.* Number of enforced cases concerning persons whose residence permit applications have been denied and which the Migration Agency has handed over to the Police. The group is dominated by asylum seekers but also contains other permit applicants.
- *Enforced police refusals of entry.* Number of enforced refusal-of-entry decisions made by the Police, which may have been decided at the border or inside the country.

Appendix II Sweden's bilateral return agreements

Countries	Type of agreement, date
EU plus Iceland, Norway and Switzerland	
Bulgaria	V 28/02/1999
Croatia	V 06/04/2003
Cyprus	V 20/01/2006
Denmark	Convention on the waiver of passports at intra-Nordic frontiers, V 12/07/1957
Estonia	V 26/06/2004
Finland	Convention on the waiver of passports at intra-Nordic frontiers, V 12/07/1957
France	V 29/06/1991
Germany	V 01/06/1954
Latvia	V 01/05/1997
Lithuania	V 24/05/1997
Poland	V 09/04/1999
Romania	V 10/02/2002
Slovakia	V 08/04/2005
Iceland	Convention on the waiver of passports at intra-Nordic frontiers, V 12/07/1957, V 18/12/2003
Norway	Convention on the waiver of passports at intra-Nordic frontiers, V 12/07/1957; V 18/12/2003
Switzerland	V 09/01/2003
Other Central and Eastern European Countries	
Armenia	S 07/11/2008
Bosnia Herzegovina	AP, V 01/04/2005
Kosovo	V 01/11/2011

Montenegro	V 15/03/2003
Russia	IP V 18/06/2012
Serbia	V 15/03/2003
Asia and Oceania	
Afghanistan	S 05/10/2016 (ceased)
Iraq	S ME 18/02/2008
Vietnam	V 31/12/2008

Source: Cassarino, Jean Pierre (based on Sweden Government Offices' public documents)
<http://www.jeanpierrecassarino.com/datasets/ra/swe/>

Appendix III Data categorization

Prior to each return a decision on departure must be made and prior to the decision, the officer makes an assessment of which departure is appropriate based on the circumstances of the case. Individual travel is the mode of departure used if no form of escort is required. DEPU is the form of departure used for transfers under the Dublin Regulation because this form meets the requirements of so-called controlled transfer. DEPU can also be decided if the traveller does not have valid or complete travel documents and these cannot be obtained in or from Sweden. Another example of when DEPU is relevant are transits within the Schengen Area. The difference between DEPU and DEPA is that the returnee is accompanied to the aircraft (DEPU) or to the destination country (DEPA). DEPA/DEPU in turn means that the journey begins as DEPA and then continues as DEPU after transit. Departure codes refer to the Migration Agency's decisions on how the departure will take place. These cases have thus not been handed over to the Police.

The category 'cancelled' could easily be confused with 'written off', which could lead to misunderstandings. An expulsion decision is not cancelled but is rather written off and replaced by a new case for the same individual. The category 'cancelled' is thus not applied if an enforcement of a refusal-of-entry or expulsion decision is no longer relevant (Magdalena Lund, Migration Agency). 'Cancelled' is only applied to cases registered by error.

The ÖVL-Pol codes are used for cases in which the decision is to hand the case over to the Police. This code is applied before the agency began to differentiate between whether the individual in question was believed to have absconded, or whether coercive measures were believed to be necessary to enforce the return.

The code UTREST-P refers to departure for cases that have been handed over to the

Police. Other registered data on the number of forced departures are classified into the following: the number of departures from Sweden in connection with discharge from the reception system.

The data for the 1999–2008 period from the Migration Agency contains the following categories:

- Voluntary departure
- Absconded – Handed over to the Police.
- Force – Handed over to the Police.
- Written off
- Cancelled (incorrectly registered data)
- Other

Between 2009 and 2018, the classification of data is more specific, especially in terms of handing over to the Police, which in turn classifies according to the different modes of departure.

ENSK.RESA: Individual travel

ENSK.RES-BE: Individual travel and accompanied individual travel.

DEPU (Deportee Unaccompanied)

DEPA (Deportee Accompanied)

DEPA/DEPU (combination of Deportee Accompanied and Deportee Unaccompanied)

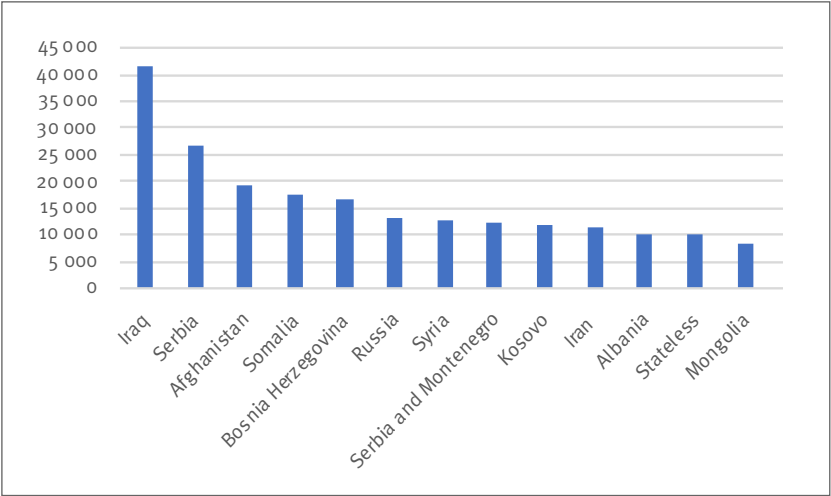
Appendix IV The 14 most common nationalities in the Migration Agency's expulsion decisions

	1999	2000	2001	2002	2003	2004	2005
IRAQ	945	574	289	427	769	909	1,426
SERBIA	772	608	1,609	2,179	3,385	3,904	2,495
AFGHANISTAN	93	64	41	21	114	229	141
SOMALIA	66	44	26	28	134	845	270
BOSNIA–HERZEGOVINA	212	392	1,114	2,766	3,992	1,674	681
RUSSIA	187	369	421	517	797	1,358	1,080
SYRIA	94	133	187	221	420	573	542
KOSOVO	46	46	149	103	246	262	254
IRAN	184	319	456	469	466	792	477
ALBANIA	38	42	52	118	212	216	217
STATELESS	85	100	141	128	239	512	469
MONGOLIA		4	40	236	288	241	205
ERITREA	4	6	16	26	54	236	198
GEORGIA	9	29	32	63	192	472	312

	2006	2007	2008	2009	2010	2011	2012
IRAQ	4,287	2,622	3,180	5,321	4,292	1,844	1,356
SERBIA	1,996	847	1,056	1,207	4,943	3,402	3,542
AFGHANISTAN	559	553	443	520	506	664	1,470
SOMALIA	1,246	233	446	1,012	1,813	1,126	1,866
BOSNIA–HERZEGOVINA	291	162	213	171	132	268	1,984
RUSSIA	830	485	780	840	772	899	808
SYRIA	296	227	383	441	470	350	437
KOSOVO	374	203	491	1,018	1,234	1,046	1,004
IRAN	568	405	463	563	601	784	908
ALBANIA	89	61	71	104	105	83	805
STATELESS	778	459	509	522	613	701	686
MONGOLIA	427	220	681	787	582	696	889
ERITREA	235	278	347	253	353	310	452
GEORGIA	154	98	111	196	278	253	521

	2013	2014	2015	2016	2017	2018	Total
IRAQ	1,119	963	1,517	4,881	2,257	2,548	41,526
SERBIA	2,501	1,444	1,512	787	490	372	39,051
AFGHANISTAN	1,566	950	834	3,708	2,749	3,976	19,201
SOMALIA	2,297	1,668	1,599	1,077	1,081	538	17,415
BOSNIA–HERZEGOVINA	660	518	651	342	307	183	16,713
RUSSIA	687	586	495	396	398	258	12,963
SYRIA	1,613	1,479	1,189	2,958	559	325	12,897
KOSOVO	1,117	816	1,934	793	431	333	11,900
IRAN	938	554	439	1,154	433	486	11,459
ALBANIA	913	1,069	2,482	1,622	1,035	687	10,021
STATELESS	932	942	779	731	331	287	9,944
MONGOLIA	499	477	378	493	624	595	8,362
ERITREA	1,100	1,088	784	357	143	137	6,377
GEORGIA	383	423	401	569	798	974	6,268

Appendix V Return cases 1999–2018, twelve most frequent nationalities



List of previous publications

Rapport och Policy Brief 2014:1, *Radikala högerpartier och attityder till invandring i Europa*, av Mikael Hjerm och Andrea Bohman.

Rapport och Policy Brief 2015:1, *Internationell migration och remitteringar i Etiopien*, av Lisa Andersson.

Kunskapsöversikt 2015:2, *Politiska remitteringar*, av Emma Lundgren Jörum och Åsa Lundgren.

Kunskapsöversikt 2015:3, *Integrationspolitik och arbetsmarknad*, av Patrick Joyce.

Kunskapsöversikt 2015:4, *Migration och företagens internationalisering*, av Andreas Hatzigeorgiou och Magnus Lodefalk.

Rapport och Policy Brief 2015:5, *Svenskt medborgarskap: reglering och förändring i ett skandinaviskt perspektiv*, av Mikael Spång.

Rapport och Policy Brief 2015:6, *Vem blir medborgare och vad händer sen? Naturalisering i Danmark, Norge och Sverige*, av Pieter Bevelander, Jonas Helgertz, Bernt Bratsberg och Anna Tegunimataka.

Kunskapsöversikt 2015:7, *Kategoriernas dilemman*, av Per Strömblad och Gunnar Myrberg.

Rapport och Policy Brief 2015:8, *Valet och Vägen: Syriska flyktingar i Sverige*, av Emma Jörum Lundgren.

Rapport och Policy Brief 2015:9, *Arbetskraft från hela världen: Hur blev det med 2008 års reform?*, av Catharina Calleman (red.) och Petra Herzfeld Olsson (red.).

Kunskapsöversikt 2016:1, *Alla tiders migration!*, av Dick Harrison.

Rapport och Policy Brief 2016:2, *Invandringens arbetsmarknadseffekter*, av Mattias Engdahl.

Rapport och Policy Brief 2016:3, *Irreguljär migration och Europas gränskontroller*, av Ruben Andersson.

Kunskapsöversikt 2016:4, *Diaspora – ett begrepp i utveckling*, av Erik Olsson.

Kunskapsöversikt 2016:5, *Migration within and from Africa*, av Aderanti Adepoju.

Rapport och Policy Brief 2016:6, *Invandring, mediebilder och radikala högerpopulistiska partier i Norden*, av Anders Hellström och Anna-Lena Lodenius.

Kunskapsöversikt 2016:7, *Invandring och företagande*, av Martin Klinthäll, Craig Mitchell, Tobias Schölin, Zoran Slavnić och Susanne Urban.

Rapport och Policy Brief 2016:8, *Invandringens effekter på Sveriges ekonomiska utveckling*, av Bo Malmberg, Thomas Wimark, Jani Turunen och Linn Axelsson.

Kunskapsöversikt 2017:1, *De invandringskritiska partiernas politiska inflytande i Europa*, av Maria Tyrberg och Carl Dahlström.

Kunskapsöversikt 2017:2, *Hatbrott med främlingsfientliga och rasistiska motiv*, av Berit Wigerfelt och Anders S Wigerfelt.

Avhandlingsnytt 2017:3, *Vägen till arbete. Utrikes föddas möte med den svenska arbetsmarknaden*, André Asplund, Caroline Tovatt och Sara Thalberg (red.).

Policy Brief 2017:4, *Integration och tillit – långsiktiga konsekvenser av den stora invandringen till Norge*, av Grete Brochmann. Denna Policy Brief sammanfattar NOU 2017:2 om ”Integrasjon og tillit – Langsiktige konsekvenser av høy invandring”.

Kunskapsöversikt: 2017:5, *Invandringens historia – från ”folkhemmet” till dagens Sverige*, av Mikael Byström och Pär Frohnert.

Rapport och Policy Brief 2017:6, *Invandring i medierna – Hur rapporterade svenska tidningar åren 2010-2015?*, av Jesper Strömbäck, Felicia Andersson och Evelina Nedlund.

Rapport och Policy Brief 2017:7, *Valdeltagande och representation – Om invandring och politisk integration i Sverige*, av Pieter Bevelander och Mikael Spång (red.).

Rapport och Policy Brief 2017:8, *Responsibility Sharing for Refugees in the Middle East and North Africa: Perspectives from Policymakers, Stakeholders, Refugees and Internally Displaced Persons*, av Susan F. Martin, Rochelle Davis, Grace Benton och Zoya Waliany.

Rapport och Policy Brief 2017:9, *Reforming the Common European Asylum System: Responsibility-sharing and the harmonisation of asylum outcomes*, av Bernd Parusel och Jan Schneider.

Rapport och Policy Brief 2017:10, *A Fair Share: Refugees and Responsibility-Sharing*, av Alexander Betts, Cathryn Costello och Natascha Zaun.

Rapport och Policy Brief 2018:1, *Somali Diaspora Groups in Sweden – Engagement in Development and Relief Work in the Horn of Africa*, av Nauja Kleist.

Rapport och Policy Brief 2018:2, *Akademiskt utbyte och internationell migration – En studie av stipendiater inom Svenska institutets Visbyprogram 1997-2015*, av Andreas Åkerlund, Astrid Collsiöö och Mikael Börjesson.

Rapport och Policy Brief 2018:3, *Ensamkommande barns och ungas väg in i det svenska samhället*, av Eskil Wadensjö och Aycan Çelikaksoy.

Rapport och Policy Brief 2018:4, *Attityder till invandring – en analys av förändringar och medieeffekter i Sverige 2014–2016*, av Jesper Strömbäck och Nora Theorin.

Rapport och Policy Brief 2018:5, *Familj, medborgarskap, migration – Sveriges politik för anhöriginvandring i ett jämförande perspektiv*, av Karin Borevi.

Avhandlingsnytt 2018:6, *Barn och migration*, av André Asplund, Sara Thalberg och Caroline Tovatt (red.).

Policy Brief 2018:7, *Människohandel och människosmuggling i den irreguljära migrationen*, av Ryszard Piotrowicz.

Rapport 2018:8, *Asylsökandes möte med Sverige*, av Peter Esaiasson och Jacob Sohlberg.

Policy Brief 2018:9, *How Citizenship Laws Differ: A Global Comparison*, av Rainer Bauböck, Iseult Honohan och Maarten Vink.

Rapport och Policy Brief 2019:1, "Bridging the Gap : Linking Reserch to Public Debates and Policy Making on Migration and Integration.", av Martin Ruhs, Kristof Tamas och Joakim Palme (red.). Denna rapport är nedladdningsbar via Delmis hemsida eller via Oxford University Press: <http://fdslive.oup.com/www.oup.com/academic/pdf/openaccess/9780198834557.pdf>

Rapport och Policy Brief 2019:2, *Från Afrikas horn till Sverige: Smuggling, informella nätverk och diasporans engagemang*, av Tekalign Ayalew Mengiste och Erik Olsson.

Rapport och Policy Brief 2019:3, *Thai berry pickers in Sweden – A migration corridor to a low-wage sector*, av Charlotta Hedberg, Linn Axelsson och Manolo Abella.

Rapport och Policy Brief 2019:4, *Internationella studenter i Sverige – Avgiftsreformens påverkan på inflödet av studenter*, av André Bryntesson och Mikael Börjesson.

Kunskapsöversikt och Policy Brief 2019:5, *Migration and development – The role for development aid*, av Robert E.B. Lucas.

Policy Brief 2019:6, *Åter till grunderna – Läsförmåga, immigration och arbetsmarknadsutfall i Sverige*, av Jon Pareliussen.

Policy Brief 2019:7, *Ålder vid invandring och arbetsmarknadsintegration – det svenska exemplet*, av Torun Österberg.

Policy Brief 2019:8, *Barn med posttraumatisk stress – utvärdering av en gruppintervention för ensamkommande flyktingbarn med symptom på posttraumatisk stress*, av Anna Sarkadi.

Policy Brief 2019:9, *Suicidalt beteende och vård – skillnader mellan flyktingar, andra migranter och personer födda i Sverige*, av Emma Björkenstam, Ridwanul Amin, Ellenor Mittendorfer-Rutz.

Policy Brief 2019:10, *Fri rörlighet för arbetstagare i EU och dess effekter på statsfinanserna*, av Rafael Ahlskog, Lutz Gschwind, Pär Nyman, Joakim Palme, Martin Ruhs och Marcus Österman.

Rapport och Policy Brief 2020:1, *De som inte får stanna – Att implementera återvändandepolitik*, av Henrik Malm Lindberg.

Rapport och Policy Brief 2020:2, *Legal migration for work and training – Mobility options to Sweden for those not in need of protection*, av Bernd Parusel.

Rapport och Policy Brief 2020:3, *The Impact of War – Posttraumatic Stress and Social Trust Among Refugees*, av Jonathan Hall och Dennis T. Kahn.

Rapport och Policy Brief 2020:4, *Åtgärder mot människosmuggling och människohandel: Är de förenliga med EU-stadgan om de grundläggande rättigheterna?*, av Vladislava Stoyanova.

To return rejected asylum seekers to their country of origin has become a topical issue in the Swedish public debate, a result of the past couple of years' large increase in asylum applications. Since the turn of the millennium, more than 300 000 individuals have been denied asylum in Sweden and received a decision to return. This report focuses on the implementation of such return decisions: Is implementation functioning well, and what are the potential obstacles for reaching the government's policy goals on return? In order to answer these questions representatives from the Swedish Migration Agency, the Police, as well as other public agencies and civil society organizations are interviewed. In addition, official government reports and internal documents are analysed. As such, the report provides a comprehensive analysis of the issues at hand, building on the perspectives of many different actors involved in the implementation of return policies in Sweden today.

This is a translation of the previously published Delmi-report 2020:1 "De som inte får stanna: Att implementera återvändandepolitik", authored by Henrik Malm Lindberg (Associate Professor in Economic History), research coordinator at Delmi. The translation and publication of this English version was funded by the Asylum Migration and Integration Fund (AMIF). A later report with focus on Return and Reintegration in Iraq and Afghanistan, also funded by AMIF, will follow in spring 2021.

The Migration Studies Delegation is an independent committee that initiates studies and supplies research results as a basis for future migration policy decisions and to contribute to public debate.

