



Legal migration for work and training

Mobility options to Sweden for those not in need of protection

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Bernd Parusel

Report 2020:2



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Preface

Many individuals from developing countries seek to enter the Schengen territory regularly or irregularly with hopes of gaining access to protection or other forms of legal residence permits. When they fail, many of them remain irregularly within the European Union (EU). As a response to this situation, the European Commission has proposed that more legal migration channels should be opened. The intention behind this proposal is that legal migration channels could turn the current irregular migration into orderly and safe flows, and not least, avoid the large number of deaths in the Mediterranean Sea.

This Delmi report looks at alternative pathways to work and studies for those who are not in need of protection but have few or no possibilities to enter Europe legally. The report undertakes a comprehensive empirical analysis of Swedish frameworks on legal migration for work and study purposes and their potential to create safe and orderly pathways for people that are currently entering Sweden irregularly. The report offers ideas for reform and action but has no intention to propose an alternative to neither the Swedish asylum system nor the existing Swedish labour migration framework.

The report is part of a comparative research project, initiated and run by the Research Unit of the Expert Council of German Foundations on Integration and Migration (SVR), in cooperation with the Migration Policy Institute Europe (MPI), and funded by Stiftung Mercator. The project's overall aim is to scrutinise the legal migration frameworks in five EU countries (France, Germany, Italy, Spain and Sweden) and ask how accessible they are for migrants who are not in need of asylum. Delmi has actively supported the production of the Swedish contribution to this project and decided to publish an expanded version of the report on Sweden within its own report series.

The report is written by Bernd Parusel, Migration and Asylum Expert for the European Migration Network (EMN) at the Swedish Migration Agency. He holds a PhD from the Institute for Migration and Intercultural Studies (IMIS) at the University of Osnabrück. Parusel currently works for the parliamentary commission of inquiry which has been set up to examine Sweden's future migration policy.

The preliminary results of this report were discussed in December 2018 at a joint Delmi/SVR seminar in Stockholm where practitioners, researchers and other concerned parties discussed the potential legal pathways for study and work in Sweden.

External reviewers of the report have been Catharina Calleman, Professor Emerita at the Law Department, Stockholm University and Patrick Joyce, Chief Economist at Almega, Employers Organization for the Swedish Service Sector. The work on this report has been followed by the members of Delmi's Board of Directors Olof Åslund, Professor at Uppsala University, Åsa Carlander Hemingway, Head of Unit at the Swedish Migration Agency as well as Joakim Palme, Chair of Delmi. At Delmi, the Delegation Secretaries Constanza Vera-Larrucea, André Asplund and Daniel Silberstein have contributed to the review.

As usual in the Delmi context, the author is responsible for the content, results and policy recommendations of the report.

Stockholm, February 2020

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Summary

As other countries in Europe, Sweden has for several years been facing the problem that a large number of foreign nationals arrive in the country and apply for asylum without being able to assert any recognised grounds for protection. Most migrants enter Sweden legally for purposes such as family reunification, work, or studies, and with residence permits, work permits, or visas arranged before entry. However, a substantial number of people cross the Swedish borders without such permits and then initiate asylum procedures, which often end with negative decisions. This raises the question whether at least some migrants whose protection claims are rejected, or who are travelling irregularly, could have used other pathways to obtain legal residence in Sweden, such as established systems for employment- or education-based immigration.

This report investigates how accessible the Swedish frameworks for legal migration for work and study purposes currently are and how they could be reformed in an attempt to channel more migration that is currently illegal towards safe and orderly entry pathways. The aim of the report is not to question the right of foreign nationals to seek asylum, but to consider possible alternatives to unsuccessful asylum claims and risky, irregular routes to Sweden. Likewise, the idea is not to propose an alternative to either the Swedish asylum system or the existing Swedish labour migration framework. Therefore, this report does not aim at reversing the intended goals of the existing immigration frameworks for work and studies or to transform these into instruments of humanitarian admission. Instead, it engages with the performance of these frameworks when finding solutions to the challenge of irregular and unsafe migration.

The report finds that the preconditions in Sweden to make legal migration pathways accessible for migrants, who might otherwise use irregular channels and apply for asylum without success, are generally good. Most importantly perhaps, Sweden is internationally known for an exceptionally liberal labour immigration system, which opens doors to highly-skilled, skilled but also low- and unskilled migrants.

The main purpose of this system is to allow employers in Sweden to quickly fill vacancies by recruiting workers abroad. The Swedish labour immigration framework is interesting from another perspective as well – as a legal migration opportunity for people that might otherwise choose to migrate irregularly. Among all labour migrants coming to Sweden under the existing rules, many are from countries that also figure among the main countries of origin of asylum seekers. This suggests that the labour immigration system can indeed function as an alternative to the asylum pathway for some. Still, employers in Sweden who need foreign labour have no incentives to recruit workers from countries that are relevant as source countries of irregular migrants. Furthermore, the Swedish government does not interfere with employers' choices in terms of where to look for foreign workforce. The report suggests that the existing framework for labour migration could be supplemented with certain country of origin-specific interventions.

Partnerships between Sweden and countries of origin of irregular migrants could be beneficial not only for the supply of labour in Sweden but also to prevent irregular migration and facilitate the return of migrants and rejected asylum seekers who are obliged to leave. This could be the case if they were supported or organised at government level, ministerial level or between the cooperating countries' agencies for employment or migration. Cooperation might include, for example, systems and tools that familiarise Swedish employers with labour markets in third countries. This would allow for a better matching of suitable job-seekers abroad to companies in Sweden or prepare potential migrants for employment in Sweden.

Concerning immigration for education purposes, Sweden has long tried to be an attractive destination for foreign students and has managed to attract a growing number of young people from a great variety of countries worldwide who study at universities and university colleges, mainly at masters' and doctoral levels. The primary goal behind the admission of foreign students is to support the internationalisation of higher education in Sweden. At the same time, it is recognised that student mobility has other functions as well, such as enabling a transfer of knowledge, skills and cultural values between Sweden and other countries. However, whether migration for education and study purposes also can serve as a legal alternative to

irregular migration is less clear. The cost of living in Sweden is high and students have to show that they can financially support themselves during their stay in Sweden. Students from developing countries with high emigration pressures can find it harder to be legally admitted to Sweden than those from other wealthy countries in Europe, the Americas or Asia. The introduction of tuition fees for non-EU students in 2011 has also exacerbated this issue. If admission to Sweden for study purposes should work as alternative pathway for young migrants who might otherwise consider travelling irregularly, more scholarships, exchange programmes or other sponsorship systems are necessary. More attention could also be devoted to other education purposes than academic studies, such as vocational education and training for professions that are scarce in Sweden. The existing immigration rules already allow residence permits to be granted for non-academic education. However, the number of people applying for such permits is small and the share of applications that are rejected is high.

There is little scientific evidence that more legal migration pathways can reduce irregular migration and unsuccessful asylum-seeking. Nevertheless, the issue of providing additional legal immigration opportunities for work or study purposes is high on the political agenda in Europe and in the framework of the United Nations. As a result of the tense refugee situation in Europe in 2014-2016, the EU and its Member States have tried to reform the Common European Asylum System, increase their border control capacities, and obstruct access to Europe for irregular migrants and people applying for protection. The EU also aims at externalising its policies on asylum and irregular migration by seeking closer cooperation with transit and origin countries outside the EU, not least in Africa, with the aim of preventing irregular migration and returning rejected asylum applicants from Europe. Experiences have shown that a one-sided focus on prevention, deterrence and return does not offer credible, long-term solutions to the challenge of irregular migration or to creating mutually beneficial cooperation with origin and transit countries of migrants. Considering this, the EU has also encouraged pilot projects for legal migration for work and study purposes between its Member States on the one side and relevant third countries on the other side. The aim is to build broader, more comprehensive partnerships with third countries to address migration challenges in a more ba-

lanced way. The original aims of labour and student migration systems in Europe has been to secure a supply of suitable labour and strengthen study and research environments. These aims are now confronted with other political expectations as well, such as to direct potential migrants from irregular to legal migration pathways, facilitate cooperation with third countries on migration management, and support development in less developed parts of the world as part of trying to address the root causes of unsafe migration.

Sweden's role in this approach to migration management has so far been somewhat unclear. Sweden has long pushed for more responsibility-sharing among EU Member States for the reception of asylum seekers and is a leading country when it comes to the resettlement of refugees. Furthermore, the Swedish government has promoted increased circular migration as beneficial for both countries of destination, countries of origin, and the migrants concerned, although related policies have lost momentum in recent years. At the same time, Sweden has so far played a rather cautious and preservative role in Europe concerning common strategies for legal migration for work and study purposes, trying instead to limit the impact of EU law on its domestic rules and regulations. There has also been a reluctance on Sweden's part to link development cooperation with third countries to migration management goals. Sweden has therefore also remained relatively passive as concerns ambitions to use legal migration frameworks in a more strategic manner to address broader migration challenges. Whether or not this should change is primarily a political question, but this report intends to offer a basis for reflection in this regard as well as some ideas for possible action.

This report is financed by Delmi and Stiftung Mercator. It is part of a more comprehensive study that scrutinizes the legal migration frameworks in five EU countries (France, Germany, Italy, Spain, and Sweden) and asks how accessible these frames are for migrants who are not in need of asylum.

Sammanfattning

Som många andra länder i Europa har Sverige under många år försökt att hantera och lösa problemet med att många utländska medborgare anländer till landet och söker asyl utan att kunna hävda några erkända skyddsgrunder. De flesta migranter reser in i Sverige lagligt, med uppehållstillstånd eller visum ordnade innan inresa. Dock passerar ändå ett stort antal människor de svenska gränserna utan sådana tillstånd och inleder sedan ett asylförfarande, som ofta resulterar i avslag. Detta väcker frågan om inte vissa migranter vars begäran om skydd avslås, eller vilka befinner sig i en irreguljär situation, kunde ha använt andra vägar för att få laglig vistelse i Sverige. Dessa andra vägar skulle exempelvis kunna vara etablerade system för anställnings- eller utbildningsbaserad invandring.

Denna rapport undersöker hur tillgängliga de svenska regelverken kring laglig migration är. Kan de reformeras och, på så sätt, kanalisera mer migration som för närvarande är olaglig mot säkra och lagliga inträdesvägar? Syftet är inte att ifrågasätta utländska medborgares rätt att söka asyl, utan att överväga möjliga alternativ till misslyckade asylanspråk och riskfyllda, irreguljära resor till Sverige. Vidare är inte idén att här presentera ett alternativ till det nuvarande svenska systemet. Ej heller syftar studien till att ändra målsättningarna i det nuvarande systemet för migration för arbete eller studier eller att förvandla dessa till verktyg för humanitära antaganden. Istället undersöker rapporten potentiella möjligheter i dessa ramverk när det kommer till att hitta lösningar på utmaningarna med irreguljär och riskfylld migration.

Rapporten konstaterar att förutsättningarna i Sverige för att göra lagliga migrationsvägar tillgängliga för migranter som inte är i behov av skydd är relativt goda. Sverige är internationellt känt för ett exceptionellt frikostigt arbetskraftsinvandringssystem, som öppnar dörrar för högkvalificerade, kvalificerade men också låg- och till och med okvalificerade arbetstagare.

Huvudsyftet för systemet med arbetskraftsinvandring är att ge arbetsgivare i Sverige möjligheten att fylla vakanser genom att rekrytera personer från tredje

land. Det svenska systemet är också intressant ur en annan synvinkel. Bland alla arbetskraftsinvandrare som kommer till Sverige enligt de gällande reglerna, är många från länder som också är bland de vanligaste ursprungsländerna för asylsökande (som Syrien, Ukraina, Irak, Iran eller Ryssland). Det indikerar att arbetskraftsinvandringssystemet verkligen kan vara ett alternativ till asylspåret för vissa av de som får avslag på sina asylförfaranden. Arbetsgivare i Sverige som behöver utländsk arbetskraft har dock inga incitament att rekrytera anställda från länder som är särskilt förekommande som ursprungsländer för irreguljära migranter. Vidare så är inte den svenska regeringen involverad i arbetsgivarnas val när det gäller att leta efter lämplig utländsk arbetskraft. Rapporten föreslår därför att det befintliga frikostiga ramverket för arbetskraftsmigration kan kompletteras med ursprungslandspecifika strategier. Dessa strategier kan vara fördelaktiga för Sverige i rekryteringen av arbetskraft till bristyrken. Dessutom kan det inom ramen för partnerskap mellan Sverige och andra länder leda till ett förbättrat arbete vad gäller förebyggandet av irreguljär migration och underlätta återvändandet för migranter utan uppehållstillstånd och asylsökande som fått avslag. Ett exempel på en sådan insats kan vara landspecifika projekt som matchar potentiella arbetsmigranter i de relevanta, särskilt förekommande ursprungsländerna för irreguljära migranter till arbetsgivare i Sverige som behöver utländsk arbetskraft. Dessutom skulle Sverige kunna bygga vidare på positiva erfarenheter från bilaterala avtal med olika länder om feriearbete för ungdomar. Idag gynnar sådana avtal främst ungdomar från andra rika och utvecklade länder som kan arbeta och resa i Sverige fritt under en viss tid. På pilotbasis skulle liknande arrangemang också kunna testas för att ge unga från mindre utvecklade delar av världen samma möjlighet. Ett ytterligare förslag är att genom utbildningsinsatser utomlands förbereda unga människor till arbete inom bristyrken i Sverige.

När det gäller invandring för utbildningsändamål har Sverige länge försökt att vara en attraktiv destination för utländska studenter och har lyckats locka ett växande antal unga människor från ett stort antal länder över hela världen att studera vid svenska universitet och högskolor. Samtidigt är levnadskostnaderna i Sverige höga och studenter måste visa att de kan försörja sig under vistelsen i Sverige. Det kan leda till att studenter från utvecklingsländer har det mycket svårare att få komma till

Sverige än studenter från rika länder i Europa, Nordamerika och Asien. Införandet av studieavgifter 2011 har förvärrat denna obalans. Fler stipendier, utbytesprogram, eller sponsorsystem skulle kunna erbjudas, vilket skulle ge fler unga från utvecklingsländer möjligheter att komma till Sverige för studier. Om tillträde till Sverige i utbildningssyfte ska fungera som ett lagligt alternativ till irreguljär migration så skulle dessa åtgärder kunna visa sig effektiva. Ett större fokus skulle också kunna ägnas åt att skapa möjligheter att komma till Sverige för andra utbildningsändamål än akademiska studier, till exempel yrkesutbildning. De befintliga reglerna för så kallade "övriga studier" gör det redan möjligt att bevilja uppehållstillstånd för icke-akademisk utbildning. Samtidigt är antalet personer som ansöker om sådana tillstånd mycket liten och andelen ansökningar som avslås är hög, inte minst på grund av försörjningskravet.

Det finns få vetenskapliga bevis på att fler lagliga migrationsvägar kan minska irreguljär migration och asylsökande. Likväl står skapandet av nya eller ytterligare lagliga invandringsmöjligheter för arbete eller studier högt på den politiska dagordningen i Europeiska Unionen. Som en följd av den spända flyktingsituationen i Europa 2015 och 2016 har EU och dess medlemsstater försökt reformera det gemensamma europeiska asylsystemet. Reformerna har syftat till att öka förmågan att kontrollera unionens yttre gränser och begränsa tillträdet till Europa för irreguljära migranter och människor som söker skydd. EU söker också ett närmare samarbete med transit- och ursprungsländer utanför EU, inte minst i Afrika, i syfte att förhindra oönskad migration och öka möjligheterna att utvisa och återvända asylsökande som har fått avslag. Även om forskningen, som tidigare nämnts, inte ger bevis på att lagliga migrationsvägar minskar irreguljär migration så visar erfarenheter att ett ensidigt fokus på begränsningsåtgärder, avskräckning och återvändande inte resulterar i trovärdiga, långsiktiga lösningar på utmaningen med irreguljär migration eller närmare partnerskap med ursprungs- och transitländer. Därför har EU-kommissionen också uppmuntrat medlemsstaterna att sätta upp pilotprojekt för laglig migration för arbete eller utbildning med relevanta länder utanför unionen. Målsättningen är att bygga mer omfattande partnerskap med tredje länder och att möta utmaningar kopplade till migration på ett mer balanserat sätt. De ursprungliga målen med arbets- och studierelaterad migration har varit att både säkerställa

tillgången till lämplig arbetskraft samt att stärka forsknings- och studiemiljöer. Denna målsättning konfronteras nu med andra politiska viljor som, till exempel, viljan att styra bort potentiella migranter från irreguljära migrationsrutter till legala vägar. Vidare finns det nu en politisk vilja att möjliggöra omfattande samarbeten med tredje länder vad gäller migrationshantering och en vilja att stötta utveckling i mindre utvecklade delar av världen i ett led att adressera ursprungsorsaker till irreguljär migration. Ambitionen är att få till stånd bredare och mer omfattande partnerskap med viktiga ursprungsländer för att kunna hantera olika migrationspolitiska utmaningar på ett mer balanserat sätt.

Sveriges roll i strategin med omfattande partnerskap har hittills varit något oklar. Sveriges regering har länge drivit på för en bättre ansvarsfördelning mellan EU-länderna vad gäller mottagande av asylsökande och är sedan länge ett ledande land när det gäller vidarebosättning av kvotflyktingar från olika krishärdar till en säker tillvaro i Europa. Den svenska regeringen har också arbetat för att främja cirkulär migration, som anses vara gynnsam för destinationsländerna, ursprungsländerna och de berörda migranterna. Denna politik har dock tappat fart under de senaste åren. Samtidigt, som tidigare konstaterats, har Sverige haft en mer oklar roll i Europa vad gäller laglig migration för arbete- och studieändamål. Där har svenska aktörer ofta varit skeptiska och försökt begränsa EU-lagstiftningens inverkan på befintliga nationella regler. Det har lett till att Sverige förblivit relativt passivt gentemot nya ambitioner att använda laglig arbetsmigration på ett mer strategiskt sätt för att möta bredare migrationsutmaningar. En av dessa utmaningar har varit irreguljär migration och vad som kallas ”mixed migration” (blandad migration). Termen refererar till att det inom den grupp migranter som anländer utanför de legala vägarna är både personerna och behoven varierade. Vissa är flyktingar, andra kvalificerar för skyddsbehov samtidigt som andra saknar grund för asyl, den sistnämnda gruppen kallas ofta för ”economic migrants” eller ”aspirational migrants”.

Denna rapport har finansierats av Delmi och Stiftung Mercator. Det är en del i ett större projekt som granskar och jämför de lagliga migrationsramverken i fem EU-länder (Frankrike, Tyskland, Italien, Spanien och Sverige) och undersöker hur tillgängliga dessa är för migranter som inte är i behov av asyl.

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I. Introduction

For a long time, the Member States of the European Union have been struggling to deal with large-scale mixed migration flows, including substantial irregular migration. In 2018, the EU Member States granted over 3.2 million residence permits for purposes such as work, studies, family reunification, and protection, thus enabling *legal* immigration of non-EU nationals to a substantial extent. Sweden alone granted almost 125,000 of these permits (Eurostat 2019a). During the same year, however, the Member States also took almost 582,000 first-instance decisions on asylum applications, out of which roughly 364,000 (63%) were negative. Sweden took 31,300 asylum decisions, and 20,700 (66%) were negative (Eurostat 2019b).

Due to a lack of legal entry pathways for asylum seekers, this group mainly arrives in the EU under *irregular* circumstances, i.e. without having been issued a visa or residence permit before entry. Further to incoming asylum seekers, many of whom are rejected, roughly 600,000 individuals were found to be illegally present on EU territory in 2018 (Eurostat 2019c). And according to the European Border and Coast Guard Agency, the Member States detected just over 150,000 illegal crossings of the external borders of the EU in 2018, and 205,000 in 2017 (Frontex 2019, 16; Frontex 2018, 18).

Overall, these figures indicate that the vast majority of non-EU migrants move to Europe legally. Yet the figures also show that the EU has a problem with irregular and mixed migration, i.e. the arrival of a considerable number of people who apply for asylum without being considered in need of protection, or who neither seek asylum nor are granted other residence permit.¹ Such spontaneous arrivals are not only problematic because they are difficult to foresee and manage by the receiving states, but also because irregular migrants take great risks and dangers to get access to Europe. According to the International Organization for Migration, more than 17,900 people died or went missing in the Mediterranean Sea on their way to Europe in 2014–2018 (IOM 2019, 8).

As a consequence of the so-called “European refugee crisis” in 2015–2016, during which irregular border crossings into the EU and the number of asylum applications increased strongly and suddenly, efforts to stop irregular arrivals and to return migrants without a legal right to stay have been stepped up significantly. This is also true for Sweden, which, for example, adopted a temporary act aiming at reducing the country’s attractiveness for protection seekers and restricting family unification. Among many enforcement-related policy interventions, such as enhanced border surveillance and the combating of trafficking and human smuggling networks, the EU and its Member States are increasingly looking to countries of origin and transit, for example in Africa, as potential partners in the objective to “stem illegal migration on all existing and emerging routes” (European Council 2018).

In addition to restrictive measures to curb irregular migration and initiatives to externalise migration control beyond the borders of the EU, the European Commission has also proposed the opening of more legal migration channels. This would allow for migrants to enter the EU legally, instead of risking their lives by attempting to cross the Mediterranean Sea and staying in the EU either as irregular immigrants or unsuccessful asylum seekers (European Council 2018). It has been argued that opening more channels for legal migration could also facilitate cooperation between EU countries and migrant sending countries, not least in Africa, such as the prevention of irregular migration and the return of people who are illegally present in Europe.

This is obviously difficult. The existing national systems for the admission of workers and students from third countries have so far mainly been designed and developed for domestic purposes. These purposes have been to secure a supply of workers to businesses and industries with labour shortages, to counteract demographic challenges such as aging and shrinking populations, or to strengthen education and research environments. They also tend to be selective, focusing on highly qualified people and/or entrepreneurs. Recent developments in the area of migration control and management have added new political expectations and demands towards these economically driven admission systems. The systems are also increasingly seen as tools for addressing broader migration policy goals, such

as directing migration flows from dangerous and irregular to safe and legal channels, or to facilitate cooperation with third countries on migration. Moreover, migrant sending countries have often no interest of their own in helping the EU achieve its goal to reduce irregular migration. Sending countries know that migrants often send money to relatives (“remittances”) and that many young people try to improve their livelihoods by attempting to get access to Europe. These countries want Europe to enable legal migration instead of focusing only on prevention, control, return and readmission.

As policy-makers struggle with this multi-faceted challenge, the Research Unit of the Expert Council of German Foundations on Integration and Migration (SVR), in cooperation with the Migration Policy Institute Europe (MPI), and funded by Stiftung Mercator, decided to carry out the research project “Legal migration for work and training: Mobility options to Europe for those not in need of protection” (SVR Research Unit/MPI Europe 2019). The project focusses on legal migration to Europe, departing from the idea that facilitating legal migration is increasingly seen as a critical element of a comprehensive and realistic migration policy. In particular, legal migration is regarded as an alternative to irregular migration for individuals and groups not considered in need of international protection. Furthermore, legal migration can contribute to meeting labour market needs in destination countries and have positive development effects in countries of origin (through remittances and the transfer of knowledge and skills, for example).

However, no concrete proposals based on substantial analysis have suggested alternative migration channels to Europe for the purposes of work, training and education that could serve as credible alternatives to unsafe, irregular migration. This research addresses this gap by reviewing existing policy and programmatic frameworks at EU and national level that enable or facilitate legal migration. It also endeavours to critically assess their design, implementation and impact, and to generate ideas and options for the development of future legal migration opportunities. Ultimately, the goal of the project is to contribute to better informed and concrete policy options for effective legal migration to Europe.

In the overall framework of this project, a set of five country case studies (France, Germany, Italy, Spain, and Sweden) were commissioned to provide a comprehen-

sive overview of the respective domestic legal, policy and programmatic frameworks, both past and current. The analysis focuses on migration opportunities for work (particularly in the low- and medium-skilled sectors) and for vocational training and education, as relevant for third-country nationals. The case studies take stock of the current state-of-play in each state, deriving a picture of who has access to legal migration to Europe as well as the scale of that access.

The country-level analysis reflects on how the approaches to legal migration adopted in Member States have been shaped by the broader context (such as labour market needs, social welfare models or relationships with countries of origin of the target group). Attention is also paid to how efforts to facilitate or promote legal migration of third-country nationals have affected related action at EU level, and vice versa.

This report presents the Swedish case study within the broader comparative project. It provides an in-depth analysis of how the Swedish systems for labour immigration and admission of third-country nationals for studies and other education purposes have been designed, what purposes they are intended to serve, and how these have worked. The main research question is how accessible the Swedish frameworks are for migrants who want to find work or educate themselves in the country and who might, if they were not admitted under safe and orderly pathways, decide to migrate on irregular and risky routes.

To increase the use and the visibility of the case studies produced in the framework of the overall project, some case studies are published as separate reports as well. In Sweden, the Migration Studies Delegation (Delmi) decided in cooperation with SVR to publish an expanded version of the original national case study in the framework of its own report series, to disseminate the study's results into the political and research discourse in Sweden.²

The Swedish case study is structured as follows:

Chapter 2 links the topic and research question to existing literature and the policy background in Europe regarding the relationship between legal migration for work

or study purposes on the one hand and irregular and protection-related migration on the other hand, as well as proposed solutions to the problem of “mixed migration”. Chapter 3 briefly describes the methods and sources used to produce this report.

Chapter 4 provides a short overview of recent general developments in migration and migration policy in Sweden to characterise and clarify the national context for the subsequent analyses. Chapter 5 then traces the evolution of the current labour immigration framework in Sweden and outlines its goals and functioning. The same Chapter also elaborates on the context, aims and existing practices regarding education-related immigration. Chapter 6 analyses the immigration of labour migrants and students in more detail by providing information on the occupations and nationalities of labour migrants, the nationalities of incoming students, and the possible relationship between work- and study-related immigration on the one hand, and the arrival of asylum seekers on the other hand. Finally, Chapter 7 summarises the study’s main findings and makes suggestions for further development of the existing policy frameworks for work- and study-related immigration in Sweden in the context of tackling the problem of irregular migration and improve cooperation with migrants’ sending countries.

Endnotes Chapter 1

1 For a discussion of data sources and estimations of irregular entries and stays in the EU, see Vespe et al. (2017) and Orrenius/Zavodny (2016).

2 The author wishes to thank Jan Schneider, Karoline Popp, Jeanette Süß and Kate Hooper for their support during the conceptualisation and inception of this report as well as for critical and constructive comments and suggestions on an earlier draft of the Swedish case study. He also wishes to thank Catharina Calleman and Patrick Joyce for their careful and constructive review of the final draft of the stand-alone publication by Delmi. Furthermore, the report had not been possible without the valuable and inspiring input from the experts that were interviewed for this study, participated in the Delmi-organised expert workshop in December 2018, or shared their knowledge through other channels (Lisa Pelling, Elin Jansson, Maria Ferm, Mattias Schulstad, Henrik Emilsson, Anna Bartosiewicz, David Lindstrand, Rickard Olseke, Ingela Winter-Norberg, Petra Herzfeld Olsson, Patrik Karlsson, Camille Le Coz, Jan Schneider, Anna Tillander, Alexandra Wilton Wahren, Åsa Carlander-Hemingway, Constanza Vera-Larrucea, Caroline Tovatt, Henrik Malm Lindberg, André Asplund, and Amanda Wenzer).

2. Policy and research context

Mismatches between immigration law and migrants' needs and aspirations

States normally regulate immigration by defining, in their immigration laws, specific grounds for, or purposes of, temporary or permanent residence. Respective to each ground or purpose, foreign nationals must fulfil certain requirements in order to be granted access to the territory and be allowed to stay there. A person migrating for family reasons may need to have a close relative residing in the country of destination in order to be granted access. For example, a worker may need a work contract and/or be able to prove certain skills; an international student must be admitted to academic studies in the destination country; and so on. Regarding such grounds of residence, and the conditions attached to them, immigration law is rather rigid, and it is often not possible for migrants to switch between different types of legal statuses (for a European overview, see EMN 2016).

Sweden is no exception in this regard following an approach of “regulated” or “managed” immigration. The Swedish Aliens Act regulates the granting of residence permits for people in need of protection, family reunification, work in Sweden, study in Sweden, and other purposes. A fundamental principle designed to uphold the “regulated migration” objective is that residence permits must be applied for from abroad, i.e. before a migrant enters the territory (Migrationsverket 2015b, 23).¹

While states try to maintain different channels of legal immigration, each based on specific conditions and criteria for legal residence, scholars have found that migrants move between countries for different but in many cases interlinked reasons (Crawley/Skleparis 2018; Koser/Martin 2011). While the law differentiates between different “categories” of migrants, the migrants themselves do not always fit into these categories easily. As mentioned in the introduction, statistics tell us that a

majority of those coming to Europe from a non-EU country migrate in compliance with the existing rules. But many others arrive in an irregular manner and attempt to regularise their entry and stay *ex-post*, such as through an asylum procedure.

This situation, where people arrive at the external borders of the EU or access EU territory irregularly, is often called “mixed migration”. The term refers to the fact that within the group of those who arrive outside the regulated legal migration framework, there are refugees, other people in need of protection, but also people without any accepted grounds for protection. The latter are often referred to as “economic” or “aspirational” migrants. The International Organization for Migration (IOM) defines mixed migration as “complex population movements including refugees, asylum seekers, economic migrants and other migrants”. The main characteristics of mixed migration include “the irregular nature of and the multiplicity of factors driving such movements, and the differentiated needs and profiles of the persons involved” (IOM 2008; Murphy 2014). Indeed, contemporary migration flows often consist of people who are on the move for different reasons but who share the same routes (Kumin 2014). As Long (2015) has put it, mixed migration flows, both within developing regions and to developed countries, often defy attempts to separate ‘refugees’ from ‘migrants’. Refugees have a well-founded fear of persecution but may also be motivated to move as a result of poverty. While migrants may not reach the threshold required to qualify for legal protection as a refugee, they may still be seeking to escape violence or an oppressive regime in their country of origin (Long 2015, 7). Therefore, mixed migration poses challenges not only to national policy-making, but also to migration and asylum international governance.

It is possible to identify a mismatch between the often highly regulated nature of immigration law and the complex and multidimensional motivations and reasons of people to move across borders. In light of this, some researchers have asked whether immigration law is at all capable of directing and managing immigration flows (Gest et al., 2014). Others have found that migration management often fails or produces unforeseen outcomes because it cannot adequately capture and absorb the often complex and shifting motivations of migrants. Immigration law tends

to be rigid and schematic, and governments are not always willing to disclose the real goals, intentions and functioning of immigration legislation (de Haas, 2011; Castles, 2004).

European responses to mixed migration

In Europe, governments' responses to mixed migration have remained contradictory and inconclusive for decades. On the one hand, the EU and its Member States heavily invest in external borders control, surveillance of irregular migration routes, as well as enforcement of legislation aimed at terminating irregular stays by voluntary return programmes and forced return operations. On the other hand, all EU countries are signatory states to the Geneva Refugee Convention and grant foreign nationals a right to seek asylum, even when they have arrived irregularly. The "Non-refoulement" principle of the Geneva Convention is affirmed by EU legislation on asylum. This means that asylum seekers may not be returned to a country in which they would be in danger of persecution based on their race, religion, nationality, membership of a particular social group or political opinion. Even if a foreign national arrives at an EU border or enters EU territory in contravention of immigration law, they may – if they apply for asylum – not be returned without an examination of possible grounds for protection. This tension is made worse by the fact that EU Member States normally do not grant visas for protection or humanitarian purposes, and carriers are not allowed to transport people without proper travel and entry documents to the EU. The current EU Visa Code makes provision for Member States to issue short-stay Schengen visas with limited territorial validity on humanitarian grounds. However, the provisions lack clarity and there is no formal procedure for the examination of visa applications lodged abroad on humanitarian grounds. By consequence, asylum seekers must use irregular pathways if they want to avail themselves of the right to asylum in Europe (Neville/Rigon 2016; Iben Jensen 2014). This means that asylum laws and human rights clash with the aim of establishing "managed" systems for legal migration.

If we assume that asylum systems in Europe function properly, resulting in positive decisions and a right to stay for those that are entitled to protection, and negative decisions for those that do not fulfil the requirements, we see that in recent years, a majority of people applying for asylum have not been able to assert recognised grounds for protection. The correct functioning of asylum systems can be questioned, but in any case, it is clear that among those who manage to cross European borders and apply for asylum, there are many people who are not entitled to a protection status.

This has raised concerns among policy makers and led to controversial debates around the question on whether existing territorial asylum systems are fit for their purpose. In some countries, including Sweden, radical proposals have been made by politicians but also academics. These proposals include abolishing the right to asylum in its current form, closing European borders entirely, and only admitting refugees who have undergone an examination of their asylum claims in countries outside the European Union (Billström/Forsell 2017; Ruist 2015).

A less radical change for Europe would be to expand resettlement programmes while upholding the right to apply for asylum on European territory. Resettlement means, in this context, that refugees are selected in non-EU countries and then brought to a receiving EU Member State. Resettlement makes dangerous, irregular travel unnecessary, and provides a safe route to durable settlement. Whether more resettlement options would actually lead to fewer refugees taking the risk to travel to Europe on their own is impossible to know. Some European countries have started resettlement programmes recently. Others such as Sweden have expanded their existing programmes. But globally, the number of available resettlement spots has decreased rather than increased, and the gap between the number of people who are in need of resettlement to safe countries and the number of places offered has widened (UNHCR 2019, 30). This is mainly the result of a reduction of resettlement admissions to the United States under the Trump administration, but also because some European countries have reduced their commitments as well. For example, Denmark and Austria did not accept any resettled refugees in 2018 but did so in earlier years (Eurostat 2019; 5). As Betts (2017) has remarked, many of the more recent

European resettlement policies have emerged as small-scale “kneejerk responses” to the European refugee crisis and, as such, cannot serve as credible alternatives to Europe’s traditional, territorial asylum systems.

Can irregular migration be channelled to legal pathways?

Another line of action to address the problem of mixed and unsafe migration would be to open more legal pathways for regular immigration and thus try to shift migration pressures away from dangerous, irregular channels towards legal entry pathways. Such policies aim at refugees and other people in need of protection, who would get legal access as workers, family members - family reunification or family formation - or students, and thus manage to reach Europe without having to travel irregularly to access an asylum procedure. It can also aim at people with no grounds for protection, who would be discouraged from using the asylum system without having realistic prospects of receiving a positive decision.

Complementary legal pathways for people in need of protection

Policy analysts and researchers have already asked the question to what extent refugees and other people in need of protection can use other channels of admission to safe countries instead of entering as asylum seekers. Some might, for example, qualify as legal labour migrants or be able to migrate for purposes of academic or vocational studies, or for family formation. Long (2015) suggested that efforts could be made to ensure that refugees can access existing migration pathways and/or take advantage of existing regional freedom-of-movement protocols. Receiving states could also develop refugee-focused labour migration programmes, especially in areas where there is a clear correlation between refugees’ skills and recruiting states’ labour market needs.

Ruhs (2019) asked the question whether labour immigration can work as a complementary pathway for refugees. He argued that labour immigration schemes could be designed to make it possible for refugees to access them but that existing nation-

al policies posed challenges: Residence statuses for labour immigrants are often temporary, at least initially, and they are also conditional on the migrant performing a specific type of job and/or working for a specific employer. In the case of refugees, such circumstances are unsatisfactory because more than labour migrants, who might be satisfied with temporary stays, refugees need durable solutions. Another aspect is that countries of immigration often demand that incoming workers have a job offer. For refugees fleeing from acute threats or living in camps, it is often not possible to identify work opportunities elsewhere and contact employers, or to reach a destination country's embassy to apply for a visa or a work permit.

The issue of “complementary pathways” for refugees has also gained traction since the elaboration and affirmation of the “Global Compact for Refugees” by the United Nations General Assembly on 17 December 2018. Commitments number 94-96 of the Global Compact refer to complementary pathways “as a complement to resettlement” and state that “there is a need to ensure that such pathways are made available on a more systematic, organized, sustainable and gender-responsive basis, that they contain appropriate protection safeguards, and that the number of countries offering these opportunities is expanded overall”. As examples for complementary pathways for refugees, the Compact mentions family reunification; private or community sponsorship programmes that are additional to regular resettlement; humanitarian visas, humanitarian corridors and other humanitarian admission programmes; educational opportunities for refugees through grant of scholarships and student visas; and “labour mobility opportunities for refugees, including through the identification of refugees with skills that are needed in third countries” (United Nations 2018b).

The OECD and UNHCR published a report on “safe pathways” for refugees in 2019, analyzing how family reunification, scholarships and education programmes and labour mobility schemes could be used by refugees to find protection by other means than through asylum systems or resettlement (OECD/UNHCR 2019). The study investigated how many people from important source countries of refugees (Syria, Iraq, Afghanistan, Eritrea and Somalia) were granted permits for family purposes, work, and studies in OECD countries over the period 2010–2017. It showed

that family reunification and family formation was the most significant legal pathway for these groups. The number of people receiving permits for work or study purposes was small, but not insignificant. Besides, the number of permits related to the three main complementary pathways was lower than the number of permits granted within asylum processes, but greater than the number of resettlement opportunities during the time frame considered. The authors concluded that it is “critically important that third-country solutions are expanded and provide complementary avenues for refugees to access international protection and a pathway to a long-term solution”.

Legal pathways for migrants not considered in need of protection

When considering the alternatives for people who are *not* in need of protection, we can ask ourselves whether fewer people with economic or other non-asylum aspirations would travel to Europe as asylum seekers if destination countries offered more regular migration pathways for work or study. There seems to be little evidence in this regard. On the one hand, it is a reasonable assumption, but on the other hand, researchers have found that the presence of a larger group of migrants from a specific country of origin in a specific receiving country can cause (or at least facilitate) more migration in the same migrant corridor, due to diasporas building transnational links (Ayalew Mengiste/Olsson 2019; Neumayer 2004). In any case, it is probably unrealistic to assume that more legal migration opportunities can abruptly change the situation and stop irregular movements.

However, this does not necessarily mean that the idea is wrong or bound to fail. Creating legal and orderly migration opportunities is an idea that has gained considerable traction recently, both at an international level and in the context of European attempts to address the challenges of irregular and mixed migration. At the global level, promoting legal migration is a recognised part of the Sustainable Development Goals of the United Nations’ Agenda 2030. Target 10.7 requires states to “facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies”.

In December 2018, most United Nations Member States adopted and endorsed a “Global Compact on Safe, Orderly and Regular Migration”, in which signatories commit to “enhance availability and flexibility of pathways for regular migration” (United Nations 2018a).²

In the EU, pillar I (of IV) of the EU’s Global Approach to Migration and Mobility (GAMM) refers to “organising and facilitating legal migration and mobility” (EC 2011, 7). Taking the GAMM as a starting point, the 2015 European Agenda on Migration strives to establish “a new policy on legal migration” as a fourth pillar of the agenda (EC 2015, 14). Furthermore, “legal migration and mobility” was enshrined as one of five priority domains for cooperation between the EU and African countries in the Valletta Action Plan of 2015. The same goal was stated in the new Migration Partnership Framework, adopted in 2016, “stemming the irregular flows while offering legal migration channels” being listed as one of four immediate priorities (EC 2016, 6). In 2017 the European Commission moved to more concrete steps, announcing plans to launch a set of pilot projects, to be implemented by EU Member States with countries in Africa, to enable legal migration for work or training purposes. The underlying assumption of this proposal was that incentives for irregular migration could be reduced by expanding legal migration opportunities (Hooper 2019). EU destination countries would profit by recruiting foreign workers to industry sectors with a shortage of workers, and people with migration aspirations in Africa would be able to migrate safely and legally. Opening more legal migration channels could also improve relations between Europe and Africa in the sense that it could increase the willingness of African states to cooperate with EU partners regarding the prevention of irregular migration to Europe and the return of irregular migrants to Africa.³ To assess whether this is a useful strategy is still too early.

Another potentially interesting proposal regarding complementary pathways are the so-called “skills partnerships” between countries of origin and of destination. Typically, at government-to-government level, such partnerships mean that institutions from migrant-receiving countries offer or support training capacities. They can also foster skills’ development of workers in countries of origin with the aim to prepare trainees for the labour markets of the participating countries. Those who

receive training or education would have better job prospects in their home country but would also be able to qualify for temporary or permanent legal migration to a receiving country that has a demand for workers within the relevant training or education (Clemens 2015). As the OECD has found, such partnerships have so far remained limited in scope and are an exception rather than a rule in the context of bilateral agreements on legal labour migration. However, under certain conditions such agreements have great potential to benefit both origin and destination countries as well as migrants (Dumont/Chaloff 2018).

Furthermore, even if there is little proof that more legal pathways would reduce irregular migration, the opposite, i.e. less pathways and more irregular migration, seems likely (Cooper 2019). When looking at migration from Africa to Europe, there is evidence that irregular migration has increased sharply over the last 10 years or so. At the same time, opportunities for African citizens to legally migrate to the EU for purposes of work have almost disappeared. As a team of researchers within the Mercator Dialogue on Asylum and Migration (MEDAM 2018) has found, EU countries issued approximately 130,000 first-time visas or residence permits to African citizens in 2010. In 2016, this number had dwindled to just over 30,000. They conclude that “with very few legal opportunities to migrate to the EU, many would-be migrants are left with the option of traveling to the EU irregularly and applying for asylum – however baseless (and unpromising) their asylum applications might be” (MEDAM 2018, 16).

It is essentially this last aspect that this report aims to contribute to. Even though we cannot be certain that more legal migration opportunities can indeed reduce irregular, mixed migration to Europe, we can ask how accessible the Swedish system is for people who want to come to Europe to work, get training or education, and improve their lives. While the Swedish frameworks for work and study purposes have not been designed to serve as solutions to the mixed migration challenge or for humanitarian purposes, the emerging policy debate on creating alternatives to irregular migration and improbable asylum claims makes such analysis timely and relevant.

Endnotes Chapter 2

1 Over time, a number of exceptions from this rule have been introduced. There can be cases in which, for example, a short-term visa holder may apply for a residence permit while already staying in Sweden, or that a person may change the purpose of his/her stay in the country and apply for a different type of permit than the one he or she holds.

2 Commitment 21 states that “We commit to adapt options and pathways for regular migration in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability, with a view to expanding and diversifying availability of pathways for safe, orderly and regular migration” (United Nations 2018a).

3 The Commission argued: “Enhanced and tailored cooperation on legal migration with third countries of origin and transit of migrants can help reduce irregular migration by offering safe and lawful alternatives to persons wishing to migrate; it may bridge gaps in certain sectors of the labour markets of EU Member States; while facilitating cooperation on issues such as prevention of irregular migration and readmission and return of irregular migrants” (EC 2017, 19).

3. Working method and sources

To assess how accessible Sweden is for third-country nationals who seek to work or study there, this study follows a two-fold approach. Firstly, it relies on desk-research and existing literature on the Swedish regulations on legal migration, in particular labour migration and immigration for education purposes. Both academic literature and material from authorities and various national and international organisations are used, including in the background section of the study, which seems natural as the study itself targets both academics, practitioners and policy-makers.

Secondly, gaps in existing research have been filled through qualitative interviews with several experts from the Government Offices of Sweden, state authorities, the labour market partners, as well as a politician and two academics. In part, these interviews were used to gain insights into circumstances that could not be sufficiently explored by reviewing existing literature. But they also proved valuable in gathering different stakeholders' experiences with legal migration in Sweden and the necessity to reform the current systems or expand legal pathways. The list of experts interviewed is enclosed as an appendix to this report.¹

Apart from qualitative material, the study also includes descriptive statistical analysis regarding the immigration of third-country nationals to Sweden for work and study purposes. The statistical data was mainly retrieved from the Swedish Migration Agency's website.

As the reform of the Swedish labour immigration rules in 2008 yielded considerable attention both in Sweden and abroad, it has been studied quite extensively by scholars, in the framework of government-commissioned inquiries, and by the labour market partners. A comprehensive anthology published by the Swedish Migration Studies Delegation in 2015 (Calleman/Herzfeld Olsson 2015) played a particularly crucial role for this study, as its various authors looked into a number of different aspects concerning labour immigration to Sweden. These aspects in-

cluded the reform's effects in terms of making Sweden an attractive destination for highly skilled workers, the exploitation of migrant workers with precarious, temporary statuses, overlaps between humanitarian migration and migration for employment purposes, and the interaction of the Swedish rules with emerging EU frameworks in this context, among others. In addition to this anthology, there is a large body of research on the Swedish framework, as well as policy documents and evaluations.

As new legislation in Sweden is normally preceded by government-commissioned inquiries, which analyse existing frameworks and make reform proposals, there is also a relatively solid base of evidence regarding political discussions and the preparation of legislative initiatives. Bills prepared by the government are normally sent to a broad range of stakeholders, to gather information on their points of view and the possible risks or objections. This facilitates the qualitative analysis of legislative processes and stakeholders' interests. Not only is the labour immigration reform of 2008 and subsequent adjustments of this framework well documented, but also various reforms concerning the admission of foreign students. Recently, legal pathways of admission complementing the (mostly irregular) arrival of asylum seekers have been much discussed as well. In January 2016, the Swedish government commissioned an official inquiry into the conditions for establishing legal pathways to protection in the European Union (Regeringskansliet/Justitiedepartementet 2016), which presented its results in December 2017 (Utredningen om lagliga asylvägar 2017). Among other ideas, this official inquiry argued that family reunification and labour immigration systems can serve as legal entry pathways for individuals seeking protection (Utredningen om lagliga asylvägar 2017, 74-80). Earlier, a comprehensive official inquiry about circular migration investigated legal pathways as an element of migration policy and looked into the potential contributions that facilitated legal migration over the economic development in other parts of the world (Kommittén för cirkulär migration och utveckling 2011).

There seem to be literature gaps, however, concerning particular schemes or sub-topics within the overall labour immigration framework. Little is known, for example, on how Sweden's "working holiday" schemes for young people from select-

ed countries work in practice, what their purposes are, and how much they are used as migration channels. Similarly, not much is known about young people coming to Sweden for education purposes other than studies at universities, e.g. language studies, upper secondary school studies, or vocational education and training. Such gaps are here addressed through explorative interviews with experts.

Experts' inputs were also used for the report's outlook into the future and as an inspiration for the policy recommendations in the last chapter of this study. The question that this study ultimately addresses is how well existing frameworks work, whether they satisfy stakeholders' expectations and needs or if they need to be amended or expanded, among other aspects.

In addition to face-to-face interviews, an expert workshop was organised by Delmi and the study author on December 4th, 2018 in Stockholm. This workshop provided further input for the study, especially regarding contributions from individuals that could not be interviewed separately (see Appendix 2).

Finally, the study author attended a seminar organised by the Confederation of Swedish Enterprise on December 12th, 2018. At this seminar, the Confederation presented a report on the Swedish labour immigration system and discussed proposals for improvements to the existing system from an employer's perspective (Svenskt Näringsliv 2018). The report and its recommendations were discussed by a panel of Swedish employers. This event helped the author to get a more comprehensive insight into employers' experiences with the current labour immigration framework, and especially an understanding of the growing need of Swedish companies for foreign workers.

Endnotes Chapter 3

¹ The study does not link individual interviewees to specific quotes or references because some of them work in politically sensitive positions.

4. The changing migration and asylum situation in Sweden

For several years now, Sweden has been one of the main countries of immigration in Europe. Sweden has provided protection to tens of thousands of refugees and people fleeing from wars and conflict zones, especially in Syria, Afghanistan, Iraq and the Horn of Africa. Recent population statistics show that towards the end of 2018, about 19.1 percent of the Swedish population of roughly 10.2 million were born in another country. At the turn of the century, in 2000, the share of foreign-born residents had been only 11.3 percent (SCB 2019). According to estimates, about half of the foreign-born population originally arrived in Sweden as refugees or family members of refugees (OECD 2016, 13).

In a regularly updated factsheet about migration policy, the Swedish Government delineates a positive view of international migration, confirming its ambition to “ensure a sustainable migration policy that safeguards the right of asylum and, within the framework of managed immigration, facilitates mobility across borders, promotes demand-driven labour migration, harnesses and takes account of the development impact of migration, and deepens European and international cooperation” (Government Offices of Sweden 2018, 1). This overall positive orientation has however come under pressure in the course of the chaotic refugee situation in many parts of Europe in 2015-2016, which despite its geographically remote position affected Sweden to a large extent.

From 2011 to 2014, Sweden had experienced a gradual and strong increase in the number of asylum applicants, with seasonal peaks during the summer months (Utredningen om migrationsmottagandet 2017). In 2015, amidst what has become known as the European “refugee crisis”, Sweden had the third highest number of asylum seekers (roughly 163,000) that were registered in an EU Member State

that year. While receiving fewer than Germany and Hungary, Sweden received many more than larger Member States such as France, Spain, or the United Kingdom (Migrationsverket 2016, 6-7). In late 2015 and beginning of 2016, the Swedish government responded to the extraordinary influx of asylum seekers by drastically changing certain legal regulations on asylum and family reunification (Migrationsverket 2017; Fratzke 2017; Parusel 2017a). In 2016, the number of incoming asylum seekers dropped dramatically, and it continued to decrease in 2017 and 2018 (Migrationsverket 2018a, 4; Migrationsverket 2018b).

The stricter approach towards asylum and family reunification has not yet affected policies concerning labour immigration to Sweden or immigration for study, education and training purposes. While the number of asylum seekers dropped, Sweden noted an increase in the number of labour migrants and international students seeking, and being granted, admission to Sweden from abroad. Roughly 27,000 third-country nationals came to Sweden for work purposes in 2015, around 24,700 in 2016, and 32,300 in 2017 (Migrationsverket 2018a, 8). In 2018, the number was even higher (roughly 41,000) (Migrationsverket 2019d). Sweden seems to still be an attractive destination for foreign workers, despite the stricter approach towards protection and family reunification. The figure for 2018 includes third-country nationals who were granted a residence permit for employment purposes (21,489 individuals), their accompanying family members (15,372), a smaller number of self-employed people (135), visiting researchers (1,155), and people who work in Sweden under special rules, e.g. au pairs, remunerated trainees, artists or sportsmen (2,897) (Migrationsverket 2019d).

Since the end of 2008, when labour-marked admission rules underwent a fundamental reform, Sweden has pursued an exceptionally liberal and demand-driven approach to immigration of third country nationals for employment purposes. With the 2008 bill, the previous agency-based labour market test, which limited access to Sweden for third-country workers, became obsolete. Since then, the overall point of departure has been to consider the individual employer as the one who best knows the recruitment needs of his or her business. The possibility to recruit foreign workers was then significantly facilitated (Calleman/Herzfeld Olsson 2015b,

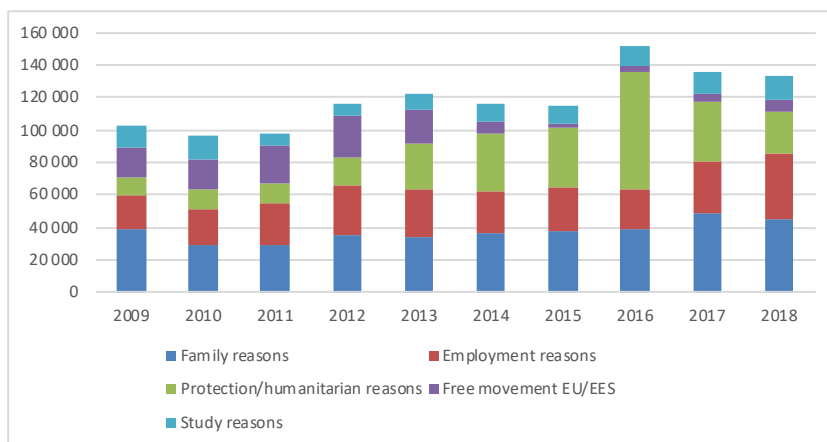
501; Bevelander/Emilsson 2014). Provided that the working conditions are in line with Swedish collective agreements or established practice, and that certain additional conditions are met, the employer can in principle recruit anyone, regardless of nationality or profession.¹

As far as immigration for education purposes is concerned, the dynamic has been different from what has been registered on the labour migration side. The number of residence permits issued for studies in Sweden increased strongly and steadily during the period 2005-2010. In 2011, it fell sharply, mainly due to the introduction of tuition fees for incoming, non-resident third-country students at higher education institutions (Migrationsverket 2012, 14-15). Since 2012, however, the numbers have been gradually rising again, albeit slowly. In 2017, around 13,400 residence permits were granted for study reasons, and 14,100 in 2018. The numbers for 2018 include permits issued for studies in universities and university colleges (9,243), studies at doctoral level (951), other types of (non-academic) studies (606) and family members who accompanied international students to Sweden (2,661). Yet another subgroup are third-country students who, after their education in Sweden, were granted a residence permit to look for a job opportunity in Sweden (644) (Migrationsverket 2019d).

Compared to 2010, when there were still no tuition fees for higher education, this represents a somewhat smaller number, but over the past seven years, the gap between 2010 and the subsequent years has tended to diminish again. For the purposes of this study, education-related immigration to Sweden is primarily interesting regarding the relatively small but diverse group of people admitted to Sweden for non-academic studies, so-called "other studies".

Figure 1 below provides an overview of the broad, different grounds on which first-time residence permits were issued over the period 2009-2018. While most permits have been issued for family reasons (family reunification, family formation and children born as foreign nationals in Sweden) and due to protection needs (asylum and resettlement), immigration for employment and study purposes also represent significant increases. In the near future, their proportional importance is expected to rise as asylum-related inflows have been on retreat since 2016.

Figure 1: First time residence permits granted for main immigration categories, 2009-2018



Source: Migrationsverket 2019d.

Notes:

“Protection/humanitarian reasons” includes protection for refugees, subsidiary protection, resettlement and residence permits granted due to exceptionally distressing circumstances or because a person could not be returned.

“Employment reasons” includes family members of labour migrants.

“Study reasons” includes family members of international students.

“Free movement EU/EES”: Since May 2014, EU- and EEA-citizens do not need to register their right of residence at the Migration Agency any more, which is why the number of permits or residence rights granted under EU free movement rules appears much smaller in 2015-2018 than in earlier years. It now mostly includes third-country national who move to Sweden as family members of EU-nationals or with an EU long-term residence status issued by another EU Member State.

Endnotes Chapter 4

1 These skills- and colour-blind rules also provide opportunities for migrants to get a permanent residence status after four years of stay with a work permit in Sweden. There are no quotas or other quantitative restrictions to the recruitment of third-country labour.

5. Mapping the legal, policy and programmatic framework for legal migration

The Swedish provisions for legal migration such as work and education have undergone significant changes over the past several years. This is partly due to the implementation of EU law in Sweden, but also a result of domestic policy developments. This section presents an analysis of these changes, explaining Sweden's general approaches to these types of migration. The focus is on a fundamental reform of the labour immigration system, which came into force in December 2008.

Key policy actors, agencies and laws

In Sweden, the Government sets out the general guidelines for migration policy by proposing bills. It is the responsibility of the *Riksdag* (Swedish Parliament) to pass or reject proposed bills and amendments. The Government can supplement laws with ordinances. The Ministry of Justice is the Government body responsible for migration policy. It is also responsible for certain aspects of integration policies, which are shared between several other ministries but mainly lie within the responsibilities of the Ministry of Employment. Within the government offices, political decisions are normally made in a consensual manner. Open disagreements or arguments between different government ministers or different ministries are rare. Preparatory work for bills on migration and asylum is managed and prepared by the Ministry of Justice, which consults other relevant ministries (as well as other state authorities and non-governmental stakeholders) at different stages during the process.

The legal system pertaining to migration in Sweden is governed by the Aliens Act (*Utlänningslagen*, Statute 2005,716), and emanating from that law, the Aliens' Ordinance (*Utlänningsförfordningen*, Statute 2006,97). The current Aliens Act took

effect on 31 March 2006 and has subsequently been amended many times, not least to implement legal acts of the European Union in Swedish law.¹

Within the area of migration and asylum, the Swedish Migration Agency (*Migrationsverket*) is the responsible administrative agency concerning residence permits, work permits, visas, the reception of asylum seekers, return, citizenship acquisition and repatriation. It reports to the Ministry of Justice and there is considerable cooperation at various levels between the ministry and the agency. However, the authority is formally subordinated to the Government as a whole and not to a single Ministry. Also active in the area of migration are the Migration Courts, the Migration Court of Appeal, the Police Authority, the Swedish Prison and Probation Service, the Swedish missions abroad and the Public Employment Service (*Arbetsförmedlingen*). In addition, the County Administrative Boards (*Länsstyrelse*) negotiate with the 290 municipalities on the reception of individuals who have been granted protection.

Roles and responsibilities for labour and student migration

Regarding labour immigration, employers play an important role. Their demand for foreign labour and their willingness and ability to find suitable workers abroad determine the number of people admitted to Sweden as labour migrants, what occupations they work in, and where they come from. The lawmaker has not imposed any quantitative restrictions (e.g., annual quotas), nor qualitative restrictions (e.g., admission of migrants with certain skills only), nor is it involved in geographical prioritisations (where migrants are recruited from). Trade unions are also noteworthy, as they are consulted regarding salaries and working conditions before an applicant for a work permit is admitted to Sweden.

Further tasks and duties in the context of labour immigration are performed by the Swedish Tax Agency (*Skatteverket*), the Work Environment Agency (*Arbetsmiljöverket*) and the Police Authority (*Polismyndigheten*). The Tax Agency is responsible for registering immigrants in the population database, for example.

The Work Environment Agency has certain tasks regarding posted workers and inspections at workplaces to detect irregularities (e.g., foreign nationals working without the necessary work or residence permits). The Police Authority handles controls at Sweden's external borders and carries out forced returns if a person has no right to stay in Sweden but refuses to leave the country voluntarily. It also performs risk-based checks on employers to detect illegal work. Regarding admission for study purposes, the Swedish higher education institutions (i.e. universities and university colleges) have an influence on who is admitted, e.g., by making courses accessible to foreign students and examining if applicants fulfil admission and eligibility requirements in terms of necessary foreign school degrees, language capabilities, or other qualifications.

When it comes to policy design, it is a tradition in Sweden that major reforms are preceded by government-commissioned enquiries, who examine certain issues and draft proposals (Premfors 1983). These enquiries can take various shapes, from larger committees operating for several years, parliamentary committees, in which Parliamentarians from the various political parties participate, to smaller enquiries, sometimes consisting of only one expert. There are even committees that operate continuously, i.e. without time limitations, such as – in the area of migration and integration – the Migration Studies Delegation (Regeringskansliet 2013).

Sweden's political parties' standpoints on migration

As far as the approaches to migration of the main political parties in Sweden are concerned, there are several separating lines, depending on what type of migration is being considered. Concerning asylum, the Social Democrats (Socialdemokraterna) and the Moderate Party (Moderaterna) have often shared similar views and recently taken a more restrictive approach. The Left Party (Vänsterpartiet), the Green Party (Miljöpartiet), and to a certain degree also the Centre Party (Centerpartiet), the Liberals (Liberalerna) and the Christian Democrats (Kristdemokraterna) have a slightly more liberal and generous approach to the reception of asylum seekers.

However, almost all parties, with the exception of from the Greens and the Left Party, have moved towards more restrictive positions during and after the extraordinary refugee situation in 2015 (Emilsson 2018). The Green Party was forced to do so, to some degree, as it was part of a coalition government with the Social Democrats as the main party.

On labour migration, the four centre-right parties (Moderates, Centre, Liberals and Christian Democrats) have had a liberal and affirmative approach, which was also advocated by the Greens. The Social Democrats and the Left Party have expressed their concerns because they feared negative impacts on domestic workers. The Centre-Left has been sceptical of liberalised labour immigration, which is in line with the approach of most trade unions (Berg/Spehar 2013). When the labour migration system was reformed in 2008, both the Social Democrats' and the trade union movement's preference was to keep the agency-based labour market test in place as a barrier to uncontrolled recruitment from abroad and to prevent pressure on the wages of Swedish workers (wage dumping). The trade union movement, which is closely linked to the Social Democrats, has traditionally been very strong in Sweden. By contrast, the centre-right as well as the Liberals and Greens have been more progressive about liberalising labour migration (Boräng/Cerna 2019).

In practice, the Greens despite their relatively small electoral share have played a key role in the design of migration policies. They have been part of a minority government coalition with the Social Democrats since 2014 (under Prime Minister Stefan Löfven), and before that, they had – specifically for the area of migration policy – an agreement with the Centre-Right governments under Prime Minister Fredrik Reinfeldt. A more radically nationalist and anti-immigration position is held by the right-wing Sweden Democrats (Sverigedemokraterna), both regarding asylum and labour migration. Recently, some of the centre-right parties have moved closer to this position.

The Sweden Democrats have not been part of any national government yet and have therefore not exercised a direct impact on policymaking on migration and asylum (Parusel 2015). They do, nevertheless, cooperate with other parties at municipality level.

The general elections in September 2018

The most recent general elections in Sweden took place in September 2018. Migration, asylum and integration issues were among the main topics discussed during the preceding electoral campaign. Many debates circulated around the temporary act that had been adopted by the Parliament in 2016 to restrict the inflow of asylum seekers and their family members to Sweden. As this act was set to expire in July 2019, one of the migration-related topics discussed during the electoral campaign was whether the entire act, or any of its specific provisions, were to be extended beyond July 2019. All parties except the Greens and the Left Party promoted the extension of the temporary restrictions, but some parties opened to ease some of the various restrictions it entailed, e.g., concerning the right of beneficiaries of subsidiary protection to be joined by their family members. The temporary act prescribes that this is only allowed in rare, exceptional cases.

Legal immigration for work or education purposes were not widely discussed during the campaign. However, the Social Democrats adopted proposals for a “safe migration policy” in May 2018, arguing, among other things, that “status changes” for rejected asylum seekers towards work-related stays should be abolished or at least restricted. Apart from that, the proposal did not deal with immigration for work or education purposes, instead only focusing on asylum, the reception of asylum seekers, family reunification and return (Socialdemokraterna 2018).

Another topical migration issue during the elections in September 2018 was an amendment to the temporary restrictive act of 2016, which aimed at regularising the situation of young asylum seekers (predominantly from Afghanistan), who had arrived in Sweden as unaccompanied minors in 2015 or earlier, and who were rejected after long asylum procedures. During a time period of three months in 2018, people within this group could apply for a residence permit for the purpose of studies at upper secondary schools (EMN 2019, 6). This regularisation, which mainly the Greens and the Left Party had pushed for, and the situation of young unaccompanied asylum seekers from Afghanistan in general, prompted considerable controversy.

After the elections, the formation of a new government took significant amount of time, as the governing Social Democrats as well as the Greens had far poorer results than in 2014, while at the same time, the Centre-Right opposition parties narrowly failed to achieve a numerical majority and remained marginally weaker than the centre-left bloc (Social Democrats, Greens, Left Party). The Sweden Democrats increased their share among the voters, but not to a dramatic degree. A new minority government was eventually formed in January 2019. As during the previous electoral term, it consists of the Social Democrats and the Greens this time, however, the governing parties made a “toleration” deal with the Centre Party and the Liberals, in order to secure Prime Minister Stefan Löfven a majority in Parliament. Issues pertaining to labour migration and migration for study or education purposes are only marginally touched upon in this agreement. The text states that Sweden’s existing rules for work-related immigration are to be “preserved”, and that a new “special visa” should be introduced for highly-skilled people who want to look for employment or start their own business in Sweden (Socialdemokraterna 2019). All in all, the toleration agreement does not point towards any major revisions of the existing Swedish approaches to labour- and education-related immigration.

Legal, policy and programmatic framework for labour immigration

Historical development and main drivers of change

Sweden has treated labour immigration as a way of satisfying domestic labour demand for several decades. From the end of 1945 to the beginning of the 1970s, more than 30,000 people immigrated to Sweden each year. Immigration was necessary partly because of the devastation caused by the Second World War in many European countries, which favoured industrial development in Sweden, and partly due to the demographic situation. Labour immigration was essentially regional during this time, as most foreign workers came from the Nordic countries (Finland in particular), but also Germany, Austria and Italy (1950s) as well as Yugoslavia and Greece (1960s) (Bevelander/Emilsson 2014).

During this time, the Swedish immigration policy was gradually liberalised. Through an agreement with the other Nordic countries in 1954, a joint Nordic labour market was created, similar to the free movement arrangements for workers within the European Community, which was established much later. For citizens of the Nordic countries, the requirement of passports for travel between the countries was abandoned, and residence or work permits were not needed for Nordic workers coming to Sweden.

In parallel, a systematic recruitment of foreign manpower to Sweden was organized through bilateral agreements or cooperation between Swedish companies, Swedish regional labour committees, and labour market authorities in other countries. During the 1940s and 1950s, industry workers and employees at hotels and restaurants were recruited, for example, from Italy, West Germany, Austria, the Netherlands and Belgium. Under these organised frameworks, the necessary permits and housing were arranged in advance. Bilateral agreements were concluded with Italy, Austria and Hungary, and the Swedish labour agency (Arbetsmarknadsstyrelsen) opened recruitment agencies in Turin, Athens, Belgrade and Ankara (Kjeldstadli 2011). Migrants could also travel to Sweden and remain in the country to look for job opportunities. When they received a job offer, they could be granted a work permit and a residence permit. Between 1961 and 1965, more than 90,000 migrants applied for work permits in Sweden, and almost all these applications were granted. Bevelander and Emilsson (2014, 10-11) describe this phase as a period of “free immigration”, which was a result of a huge demand for a foreign workforce.

During the years 1966-1969, the rules for labour immigration were tightened, not least as a result of such demands by the Trade Union movement. Foreign nationals now had to arrange the necessary permits and housing before they could enter Sweden. The fact that permits must be applied for and granted while a migrant is outside Sweden is still the rule today and considered an essential principle within the Swedish “regulated migration” (reglerad invandring) approach. The exception to this principle is nationals of countries covered by free movement arrangements, i.e. the EU and the EEA. In addition, a labour market test was now required. Previously, before a non-national could be granted a permit, authorities had to establish that no domestic worker was available for the job in question. At the same time, it was

demanded that immigrants were able to live according to the same standard as the native population, which means that they had to be guaranteed the same salary as the domestic labour force for the same type of work. Since then, migration authorities have been required to examine salaries and working conditions ex-ante, i.e. before a work and residence permit is granted. The competent employers' and trade union organisations were given an opportunity to contribute to such examinations by commenting on whether salaries and working conditions were in line with collective agreements or customary practice (Calleman/Herzfeld Olsson 2015a, 11).

Despite the tougher approach, labour migration continued to be relatively high until the recession of 1971-1972, when labour immigration started to gradually decline as many industry jobs disappeared and Sweden's economic growth slowed down. In 1985, *Arbetsmarknadsstyrelsen* issued new guidelines, demanding that vacant jobs would primarily be given to jobseekers who were already residing in Sweden, and to citizens of other Nordic countries. Labour immigration from third countries would only be permitted in exceptional cases, such as key personnel in industry, business and culture (Calleman/Herzfeld Olsson 2015a, 11).

Sweden's accession to the EEA (1994) and the EU (1995) incentivize new labour migration from EEA and EU countries. Similar to the pre-existing free movement arrangement among the Nordic countries, EEA- and EU nationals now had the right to settle and take a job in Sweden or start a business. Such immigration, however, remained limited until the economic upswing in Sweden at the beginning of the 21st century and the EU enlargements in 2004 and 2007.

Regarding labour immigration from outside the EU, two measures liberalised the relatively strict Swedish approach at the time. In 1992, asylum seekers were given the right to work while waiting for their cases to be decided, but only if the Migration Agency (*Migrationsverket*) estimated that a decision would take more than four months. In 2002, foreign students with a residence permit for university studies received the right to work without a work permit while studying.

The labour immigration reform of 2008

An interesting and decisive process started in 2004, when the government appointed a parliamentary enquiry committee to develop a regulatory framework that would allow for increased labour migration from third countries. The committee (*Kommittén för arbetskraftsinvandring* – KAKI) presented its work in October 2006.

At that point in time, there were roughly three different types of residence and work permits for labour migrants from third countries:

- Work permits to cover temporary labour shortages could be given if a vacancy could not be filled by recruiting from within Sweden, the EU/EEA or Switzerland. Such work permits were limited to a specific occupation and a specific employer, and they were normally valid for 18 months (but could be extended).
- Work permits for “international exchanges” could be issued, for example, for management and specialist tasks in international corporations or certain activities in culture, education, sports or research. These permits were limited to a specific occupation and a specific employer, as well.
- Work permits for seasonal work could be granted, for example, for berry or fruit picking, fruit and vegetable cultivation, horticulture, or forest plantation, among other seasonal activities.²

The KAKI committee argued that there was no widespread labour shortage in Sweden at the time, but that there was a lack of labour in specific occupations, in certain labour market sectors and within local and regional labour markets. The committee’s final report also stated that it was difficult to forecast labour shortages reliably and accurately. The further the future forecasts wished to reach, the less reliable they became. On this basis, the committee proposed a more flexible approach to labour immigration from non-EU countries, making it possible for employers to quickly react to labour shortages, help “vitalise” the labour market and the economy, and make Sweden more attractive as a destination for foreign workers (KAKI 2006).

Among other ideas, it proposed to introduce longer standard validity periods for work-based residence permits and to establish a new ground for issuing short-term visas. KAKI argued that third country nationals should be allowed to come to Sweden for a period of no more than three months to seek employment in the country. At the same time, it recommended “decisive action” to prevent increased labour immigration from creating negative effects on the labour market. It was essential to continue ensuring that wages, insurance coverage and other terms of employment for people who immigrate for work purposes would be equal to the conditions that apply to employees already in the country. In the Committee’s view, the basic condition for a third country national to be granted a work permit should be that he or she has been offered employment due to a labour shortage in the occupation to which the employment refers. It therefore recommended to keep the existing agency-based labour markets needs test in place. This served two purposes: the first was to ensure that there is no available manpower in Sweden or the rest of the EEA and Switzerland to fill a vacancy. The second was to guarantee that wages, insurance coverage and other terms of employment for labour migrants are equal to those which apply to employees already in the country. The Committee did not propose to make labour market needs assessments based on shortage lists or forecasts. Rather, the Public Employment Service would continue to make individual assessments in each case, which normally include checking whether a job vacancy had been advertised in Sweden and the EU; whether a suitable job-seeker was registered in the database of the Employment Service; and requesting an opinion of the responsible trade union regarding the intended recruitment from abroad (KAKI 2006).

Interestingly, the government chose not to follow this proposal. It was considered that the agency-based labour market needs test, which the KAKI inquiry wanted to keep, was a bureaucratic obstacle to a quick and efficient recruitment of foreign labour it was also stated that the individual employers know the recruitment needs of their respective businesses better than the Public Employment Service, which carried out the needs testing (Regeringskansliet/Justitiedepartementet 2017). Part of the picture is also that the KAKI Committee had been appointed and instructed by a Social-Democratic government. By the time it published its results and pro-

posals, a new centre-right coalition had come into office, which had a more liberal approach to labour relations including immigration for work purposes.

A government bill to reform the labour immigration system was then elaborated and adopted by the Parliament in 2008 (Regeringskansliet 2008). It entered into force in December that year. Most importantly, and contrary to the opinion of the KAKI Committee, the labour market needs test was abolished. Furthermore, the three earlier types of admission channels for work (as mentioned above) were streamlined into one single system covering all types of work. The new system is now essentially demand-driven (employer-driven) in its design, and open to labour migrants of all skill levels. Thus, there are neither quantitative nor qualitative restrictions to labour immigration, and employers can recruit whoever they wish to, regardless of qualifications or skills. Upon arrival, labour migrants are given access to the same social rights as the rest of the country's population, provided that they are expected to stay for at least one year. They may also bring close relatives, i.e. spouses or partners as well as children up to the age of 21. The main legal provisions regarding labour immigration are laid down in Chapter 6 of the Swedish Aliens Act.

Criteria and procedures for admission

From a procedural point of view, the reformed system works as follows. If employers have a vacancy, they are first obliged to advertise this vacancy publicly through the Employment Service (*Arbetsförmedlingen*) and the EU job mobility portal EURES for ten days. This is meant to satisfy the EU principle of community preference. If there is no response to an advertised vacancy, or if an employer still prefers to recruit somebody from abroad, they may issue a job offer to an applicant from any country in the world.³

It is then the prospective employee who formally applies for a residence permit. He or she must

- have a valid passport;
- have been offered terms of employment and a salary that are at least on par with those set by Swedish collective agreements for the occupation at hand, or which are customary within the relevant occupation or industry;

- have been offered a position that will enable the foreign worker to support him/herself. In order to satisfy this maintenance requirement, they need to work to an extent that will result in a salary of at least SEK 13,000 per month before taxes;⁴ and
- have an employer who intends to provide insurance covering health, life, employment and pension.

The fee to be paid by the applicant for a first-time work permit is SEK 2,000, roughly EUR 200.⁵ As a general rule, residence and work permits have to be applied for from abroad. This means that prospective labour migrants must hand in their application for a work permit at a Swedish mission abroad, or electronically at the Swedish Migration Agency. Only when the permit is issued and the person receives a residence permit card (or for short stays, a visa), they may enter Sweden. There are a few exceptions to this main rule, notably for Schengen visa holders who apply for work in a shortage occupation, third-country nationals who study at a Swedish university and rejected asylum seekers who apply for a “status change”. In such cases, which are explained in further detail below, the application for a permit can be made from within Sweden.

After consulting the responsible trade union about the terms of employment, the Migration Agency handles the issuing of a residence and work permit. Residence and work permits are granted for the time of the employment offer or contract, or – in case the position is permanent – for a maximum of two years with the possibility of an extension. During the first two years, the residence permit is linked to a specific employer and a clearly defined occupation. After that, the foreign worker may change employer, but not occupation. After a total time of four years (within a seven-year period), a permanent residence permit can be granted, which then allows for full, unconditional access to the labour market. The seven-year qualification period for permanent residence was introduced to make it easier for migrants to spend certain periods of time abroad and circulate between different countries and still be able to obtain a permanent status in Sweden (Parusel 2015, 149-150). For this, four years of legal presence in Sweden are necessary. If a work permit holder changes his or her jobs, or if the employer changes (even if this change is beyond the control of the employee, e.g., through a take-over or merger), they must apply for a new permit.

People admitted to Sweden under the labour immigration framework may be accompanied by close family members, i.e. their wife, husband, cohabiting partner, registered partner and unmarried children under the age of 21. Unmarried children who are 21 years or older can also be granted a permit if the main permit holder, the labour migrant (or their partner), can financially support them. Other than this, there is no financial support requirement. Labour migrants do not have to prove that they can financially support their accompanying family members. The residence permit for family members is normally issued for the same period as the permit of the labour migrant.

After arrival in Sweden, third-country nationals have, in principle, access to free language courses (organised by municipalities), and if they are granted a residence permit for one year or longer, they have access to welfare, health care and services under the same conditions as Swedish nationals.

Broad statistical trends

Until a few years after the 2008 reform, many of those foreign workers recruited by Swedish firms worked in low-skill occupations. Recently, the number of admitted high- or medium-skilled workers has increased. The number of immigrating workers in occupations requiring a high level of skills increased from around 2,800 in 2009 to approximately 4,700 in 2013, and then almost 6,000 in 2017 and 6,400 in 2018 (Eurostat 2019e).

While the administrative statistics of the Swedish Migration Agency on work permits do not correspond exactly to the skills categorisation of Eurostat, they do differentiate between certain categories, such as “specialists” (*Yrken med krav på fördjupad högskolekompetens*), “professionals” (*Yrken med krav på högskolekompetens eller motsvarande*), or “technicians and associate professionals” (*Yrken med krav på kortare utbildning eller introduktion*). Some occupations remain outside these categories, such as service, sales and construction jobs. As the main categorisations have changed over time, it is difficult to identify clear trends, but the available information points in a similar direction as the Eurostat data, with “specialists” representing an increasing share within all individuals that have been granted work permits. In 2010, 24% of all permits were issued to “specialists”. In 2017 and 2018,

this share was 40% and 35%, respectively.⁶ An analysis by the Swedish National Audit Office also shows that the share of highly skilled work migrants grew over the period 2011-2015 (Riksrevisionen 2016, 40-41).

The reason behind this shift towards a higher percentage of highly skilled persons is difficult to identify, but several factors are likely to play a role. Firstly, the high demand for highly skilled workers, such as IT-experts and engineers, can indicate that there is a particularly strong need for such individuals on the Swedish labour market, and that their employers have found ways – to an increasing degree – to identify and attract suitable candidates in third countries. Secondly, following frequent reports about the exploitation of third-country workers by untrustworthy employers, stricter requirements were introduced (in 2012 and 2014) for businesses in certain industries that showed an elevated risk of abusive treatment of foreign workers (Frödin/Kjellberg 2015, 156-157). This may have slowed down the recruitment of foreign workers to precarious jobs with low skills requirements while the admission of highly skilled workers continued to grow. In addition, it is also possible that the strong increase in the number of asylum seekers in 2014 and 2015, as well as the subsequent admission of family members of those granted protection, has played its part – although no solid evidence seems to be available to substantiate this hypothesis (Migrationsverket 2018a, 23). Newly arrived beneficiaries of protection often take jobs with low qualification requirements, hence competition for a limited number of available “simple” jobs has increased. Employers may find it easier to recruit workers that are already in Sweden than recruiting from abroad, not least as the state offers wage subsidies for companies employing newly arrived refugees and other beneficiaries of protection.⁷

The trend towards a higher share of high-skilled labour migrants does not mean, however, that immigration into low-skilled jobs is dropping in absolute numbers. For example, the number of foreign workers being granted permits to work in the low-skilled category “service, care, and sales” has remained rather stable, with roughly 1,500 individuals admitted to such jobs in 2010, and almost the same number was registered between 2017 and 2018 (Migrationsverket 2019a). Figures from Eurostat also suggest that Swedish employers still recruit a significant number of

low- and medium-skilled labour migrants. The number of residence permits granted each year for “other remunerated activities” oscillated between just over 6,000 and 8,800 during the period 2009-2017 and reached almost 12,000 in 2018.⁸ In addition, a few thousand work permits are issued each year for seasonal work, mainly for the picking of wild berries. 3,300 permits were issued for seasonal work in 2016, just above 3,000 in 2017 and nearly 5,000 in 2018 (Eurostat 2019e).⁹

The Migration Agency also publishes statistics on residence permits for five broad types of work: employees; self-employed persons; visiting researchers; people participating in international personnel exchange as well as “special categories”; and family member of work migrants, see Table 1 below.

Table 1: First residence permits issued for work purposes, Sweden 2009-2018

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Employees	14 919	14 001	15 158	17 011	15 974	12 521	13 789	12 985	16 178	21 489
Self-employed	29	90	108	350	300	233	306	174	221	135
Visiting researchers	933	883	870	1 219	1 129	1 126	1 083	907	1 222	1 155
International exchange and special categories	1 843	1 322	1 741	1 356	1 889	1 992	1 797	2 015	2 440	2 897
Family members of work migrants	3 635	5 213	8 246	9 690	9 629	9 699	10 028	8 629	12 233	15 372
Total	21 359	21 509	26 123	29 626	28 921	25 571	27 003	24 710	32 294	41 048

Source: *Migrationsverket 2019d*.

A subject of debate has been whether the 2008 labour immigration reform caused an increase in the overall number of labour migrants. Some have argued that the number of admissions for work purposes started to increase before the reform entered into force and that at least a certain share of the subsequent further increase was not linked to the new law and practice (Riksrevisionen 2016, 36). Others have stated that the increase started earlier than expected just because there was a

strong political signal for more openness regarding labour immigration. According to the Swedish National Audit Office, there is no clear causal relationship between the reform and the quantitative increase because the earlier system, based on labour market needs tests, enabled both low and high levels of labour immigration (Riksrevisionen 2016, 36).

The statistics of the Migration Agency show that in 2000, almost 15,800 residence permits were issued for labour market purposes, which is very close to the corresponding figure for 2014, well after the entry into force of the reform, when the number of permits was just under 15,900. On the other hand, the number of permits granted was less than 6,000 in 2005, which is far less than half the level since the new system was introduced. What we do see, however, is that the nationalities of migrant workers have changed significantly after the 2008 reform. In the early 2000s, labour immigration to Sweden was predominantly European. Many workers came from Poland and the Baltic countries, which were not EU Member States at the time, as well as Russia and Ukraine. Labour immigration from Asia and North America did occur under the old framework, but as a comparatively marginal phenomenon. Since 2007 and 2008, nationalities such as China, India and Thailand became much more frequent (Migrationsverket 2019a).

Exceptions and special rules for certain types of employment

Apart from the regulations outlined above, the Swedish Aliens' Act provides for other groups of third-country nationals who wish to come to Sweden for work reasons, such as *self-employed persons*, persons that can support themselves by other means than employment, *au pairs*, *researchers*, *posted workers* and persons participating in different types of *international personnel exchange* (such as intra-corporate transfers). The legal requirements pertaining to these groups may differ in various ways from the above-outlined provisions for employed labour migrants.

Self-employment and business owners

The Swedish Aliens Act states in Chapter 5, Section 5 that a residence permit may be granted to an alien with means of support other than employment. This serves as the legal basis for the admission of third-country nationals for purposes such as self-employment, starting a business in Sweden, acquiring an existing business, or transferring a foreign business to Sweden. As the Aliens Act is vague regarding this group, the current rules for self-employment and other business-related immigration have largely been shaped by the practice of the Migration Agency and Court rulings. The Migration Agency assesses whether or not the applicant will be able to conduct the business activities he envisages, and it therefore requires, among other things, a business plan, evidence of previous business experience, knowledge of Swedish or English language, and that the product or service is either produced or sold in Sweden (Migrationsverket 2015b, 20-23). A minimum investment is not necessary, and there are no demands as to the number of jobs to be created. There is a financial support requirement, however, meaning that applicants have to show that they can support themselves for at least two years after their arrival in Sweden.

The number of residence permits granted for business purposes is small. In 2018, only 135 such permits were granted, and 221 in 2017 (see Table 1). As the number of applicants for residence permits for self-employment are considerably higher than the number of related permits issued, we can assume that third-country nationals find it difficult to satisfy the Migration Agency's requirements. In 2017, only 31% of all applications for such permits were granted, and in 2016 the success rate was 37%. It is difficult to say why many applications for residence for business purposes fail, but case workers have reported that the financial support requirement is an obstacle, especially if entrepreneurs want to bring any family members to Sweden. Further challenges are to submit a sufficiently clear business plan and provide evidence of previous business activities, as a proof for experience in the field (Migrationsverket 2015b, 37).

Au pairs

To receive a work permit as an au-pair, applicants must be between 18 and 30 years old. They must also show that they have a job offer from a family in Sweden, indicating that they will be doing light housework for no more than 25 hours per week. Additionally, they need to show that they have an interest in Swedish language studies and have been admitted to such language studies in Sweden. Unlike “regular” labour migrants, au pairs are not entitled to bring family members to Sweden (Migrationsverket 2018d).

Researchers

Visiting researchers from third countries that are covered by the EU Researchers Directive¹⁰ and come to Sweden to conduct research are not treated under the general rules for labour immigration. Instead, they are granted a specific residence permit for visiting researchers, which exempts them from the requirement to hold a work permit. To be granted such a residence permit, the applicant must have an agreement with a research principal that has been approved by the Swedish Research Council (Migrationsverket 2018d).¹¹

Posted workers

Third-country workers who are employed by a foreign company and are sent (posted) to Sweden to perform certain tasks normally need a work permit under the general labour immigration scheme. This does not apply to third-country nationals who are residing in another Member State of the EU or the European Economic Area and who are posted to Sweden by a company registered in that Member State, if their activity in Sweden is expected to last three months or less. Moreover, a posted worker who is a specialist in an international company and works temporarily in Sweden for less than a year only needs a residence permit but not a work permit. The same applies to employees of international companies who wish to come to Sweden to improve their skills, participate in intra-corporate training or other skills development for less than three months within a twelve-month period.

Other categories and EU directives

Particular admission rules and facilitations exist for the following categories of mobile workers, who need either a short-term visa or a residence permit to come to Sweden, but no work permit, which means that they do not have to be employed by a Swedish employer:¹²

- People who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction for up to three months over a period of 12 months.¹³
- Diplomats and consular officials, as well as their families and staff.
- Fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months. The work must concern an emergency or unexpected event that requires immediate measures.
- People who have a temporary assignment for a radio or television broadcast at certain media companies.
- Performers, technicians and other tour staff, provided that they have been invited by an established arranger for up to 14 days over a period of 12 months.
- Professional athletes and functionaries who participate in international competitions for up to three months over a period of 12 months.
- Railway personnel and lorry drivers in international commercial traffic who are employed outside Sweden, as well as drivers and staff of tourist buses for up to three months.
- Representatives who work temporarily as salespeople, journalists, etc., for a company that does not have a branch or office in Sweden.
- Caregivers employed by a person who is visiting Sweden for up to three months.
- Visiting research fellows or teachers at higher education institutions who participate in research, teaching or lecturing activities for up to three months altogether over the period of 12 months.
- People who are part of an aid effort for a disaster or accident in Sweden (Migrationsverket 2018d).

Recent amendments to Swedish immigration law have often been triggered by EU legislation. In August 2013, the EU Blue Card Directive¹⁴ was implemented by introducing a residence and work permit for highly-skilled labour migrants into a new Chapter (Chapter 6a) of the Aliens Act (see Section 5.5.11 below).

In March 2018, the Directive on intra-corporate transferees¹⁵ was implemented, by establishing a new Chapter (Chapter 6b) in the Aliens Act, which provides for a combined residence and work permit for intra-corporate transfer, the so-called “ICT permit”. It entitles third-country nationals to enter and remain in Sweden to work for a company that is established there within the same corporate group as the host company.¹⁶ The ICT-permit now exists in parallel to the pre-existing Swedish rules for international personnel exchanges. Still, the ICT permit has priority over the national rules as all persons who fall under the scope of the directive shall be granted this type of permit instead of the earlier, national one. Intra-corporate transfers have increased substantially over recent years and represent a large share of those third-country nationals that come to Sweden for work purposes.¹⁷

Also, in 2018, the EU Seasonal Workers Directive¹⁸ was implemented in Swedish law, by introducing a new type of work permit in a new Chapter (6c) of the Aliens Act.¹⁹ This is further described in the following section on seasonal work and berry-pickers.

Seasonal work and berry-pickers

The admission of third-country nationals to seasonal work in Sweden, such as in forestry or agriculture, takes place within the general framework for labour immigration. This means that even if workers are staying for a relatively short time, the criteria for being granted work permits are basically the same. Over time, some special rules and routines have been developed for immigration for the purpose of seasonal work, as a consequence of widespread problems regarding ill treatment and abuse of workers within this sector.

A rather large, and prominent group that has raised a lot of attention in public debate and among policy makers, are third-country workers coming to Sweden dur-

ing the summer months to pick wild berries. Based on the “right to public access”, anyone has a right to access the Swedish countryside and collect mushrooms or berries, such as blueberries, lingonberries, and cloudberries. Some people do this as a leisure activity and only for their own consumption, while others pick berries and sell them to trading companies. This business has over the years developed into a relatively large, and internationalised industry, which also relies on foreign manpower. For many years, berry pickers mostly came from Central-Eastern Europe, e.g. Poland and the Baltic countries. When these countries acceded the EU more lucrative seasonal work opportunities in other EU Member States arose for these nationality groups, and berry pickers were increasingly replaced by temporary workers from Thailand. Using temporary work placement agencies, companies in the berry industry in Sweden started recruiting seasonal workers from Thailand. While employed by Thai agencies, they perform their work in Sweden. It is normally the Swedish company that arranges the necessary work permits and takes care of other practical arrangements, such as the transport of workers within Sweden, and their accommodation. Workers deliver the berries they pick to the Swedish companies, which then sell them on to merchants or retailers and export them (Hedberg 2015; Herzfeld Olsson 2018).

Recruitment from Thailand started already in the 1980s, on a very small scale. A Thai woman living in Sweden realised the economic potential of berry picking and invited relatives to come to Sweden on a temporary basis to help her picking berries and selling them. Although never promoted or actively facilitated by the Swedish state, this small-scale private initiative grew and became a distinct migration pattern far beyond the original family connection (Hedberg 2015, 125-128).

In the past, this group of foreign workers often faced problems caused by their specific work circumstances and the legal design of the Swedish labour immigration framework. For example, there have not been any collective agreements regarding salaries or working conditions as no trade union had a responsibility for berry pickers. Hence, the wages were often poor as the pickers were paid on the basis of the amount of berries that they delivered to their Swedish employers. When there were little berries in the forests due to unfavourable weather conditions, workers some-

times returned to their home country with debts towards their recruiting agencies. Besides, they often took loans to finance their travel to Sweden and were then unable to pay them back as they did not earn as much money as they expected. It also happened that incoming Thai berry pickers were not prepared for the harsh working conditions and long working hours that are typical for the picking business. Some came to Sweden through work permits issued by the Swedish Migration Agency (if they were employees); others came with tourist visas and work on a formally independent, self-employed basis (Wingborg 2011).

Following repeated protests over several years, the employers of berry-pickers in Sweden are now subject to some specific requirements regarding work permits. Since 2011, they must have a subsidiary office registered in Sweden, demonstrate their ability to pay wages, even if the season is poor, and present payslips from previous years to receive a new authorisation to recruit foreign workers. It was also decided that a Swedish trade union, the Swedish Municipal Workers Union (*Kommunal*), would take responsibility for the berry pickers. They were first included into an existing collective agreement between the union and the employers' side. Later, a separate collective agreement was drawn up specifically for the berry picking industry. The Thai recruitment agencies are now required to sign this agreement. This arrangement ensures that berry pickers are guaranteed a minimum wage level, regardless of the amount of berries they pick, and that the union has a right to inspect workplaces and intervene when there are disputes between workers and employers (Herzfeld Olsson 2018, 160).

In 2017, the number of work permits granted for berry pickers and planters was 3,043 and almost all the workers belonging to this category came from Thailand (2,933) or Ukraine (99). In 2016, 3,199 berry pickers and planters were admitted, and 3,784 in 2015. Thus, the numbers have been slightly decreasing in recent years. Exact comparisons with earlier years are methodologically problematic, as the statistical categorisation of berry pickers changed in 2015. They are now included in the category "berry pickers and planters". Before 2015, they were counted within a broader category, "agricultural, fishery and related labourers". 2,885 individuals belonging to this category were admitted to Sweden in 2014, 5,915 in 2013, and 5,708 in 2012 (Migrationsverket 2019a).

Over all these years, Thailand was the main country of origin of berry pickers, which shows that the admission of Thai workers for seasonal berry-picking in Sweden is a well-established migratory pattern. It is also unique in Sweden in the sense that recruitment of foreign workers to other seasonal activities than berry-picking is not clearly linked to specific countries of origin. To some degree, statistics of the Swedish Migration Agency show that seasonal forestry workers have often been recruited from, e.g., Thailand, Ukraine, South Africa and Nepal, and crop growers from Serbia and Ukraine. However these occupations are not dominated by only one, or few, nationalities as is the case for berry picking. Seasonal workers' country of origin is also not a result of interventions by the Swedish government; it rather depends on the recruitment and placement services used by employers in these fields, or contacts these employers have in specific countries of origin. Thus, there is no strategic approach by the government or the law-makers in term of how immigration for seasonal work is organised – as long as it happens within the margins of the legal framework for labour immigration.

In 2010, a government-commissioned inquiry on circular migration and development described the seasonal recruitment of Thai berry pickers as a “Swedish version of seasonal work programmes” and compared it to a seasonal agricultural workers programme in Canada and a scheme in Spain for temporary agricultural workers from countries in Latin America and Morocco (CIMU 2010, 206-207). The inquiry recognised that such schemes can work well and help to establish orderly migration “corridors” from one country to another. It also argued that bilateral agreements of this kind can – apart from benefits to the people migrating under such schemes – facilitate dialogue between countries on issues such as human rights, working conditions and reintegration (CIMU 2010, 247). It did not explicitly recommend the Swedish government to enter bilateral schemes, however, highlighting that Sweden should facilitate “spontaneous” rather than “managed” circular migration.²⁰

As mentioned, the EU Seasonal Workers Directive was implemented in Swedish law in 2018.²¹ The new type of seasonal work permit is relevant for third-country nationals who want to perform seasonal work in Sweden in sectors such as agriculture, forestry, the hotel and restaurant business, tourism and booking services, landscape care and maintenance, support services for artistic activities, and the operation of

skiing facilities, golf courses as well as amusement and theme parks. A seasonal work permit entitles them to travel to, stay, and work in Sweden for a maximum of six months within a 12-month period. Individuals who want to work in Sweden for more than 90 days can get a residence and work permit for seasonal work, while only a work permit (and not a residence permit) is needed for periods of less than 90 days.²² Citizens of certain countries will also need a visa (Migrationsverket 2018e).

The new permit for seasonal workers will not be used for most berry-pickers, however, as these are normally employed by work placement agencies in Thailand (although the work is performed in Sweden). A seasonal work permit can only be issued to individuals who are to be employed by companies that are established and registered in Sweden (Regeringskansliet 2018, 35-36). Consequently, berry-pickers will in the future be admitted under the pre-existing national labour migration framework.

Working holiday schemes

As a particularity within Swedish immigration law and policy, which is normally “country-blind”, there are a number of agreements with third countries for so-called “working holiday permits”. Under these agreements, young people within the age bracket 18 to 30 can be granted permits for spending a holiday in Sweden for up to one year. During this time, they are allowed to work in Sweden without a work permit. They do not, therefore, need a job offer before coming to Sweden.

This type of migration is not considered labour immigration and does not aim at satisfying labour market needs. Rather, their purpose is cultural exchange and to give young people an opportunity to learn about Swedish culture and way of life. Working holiday agreements, which are based on the principle of reciprocity, exist between Sweden and Argentina, Australia, Canada, Chile, Hong Kong, New Zealand, South Korea and Uruguay. The number of partner countries was recently expanded, whereby Argentina and Hong Kong (2017) and Uruguay (2018) were the latest additions. As one of the experts interviewed for this study explained, the choice of partner countries for working holiday agreements does – on the Swedish side – not follow a particular choice or strategy. It has usually been the foreign partner country

that approached Sweden to discuss the possibility of such agreement to be concluded. Still, working holiday schemes have been discussed in a positive way. The above-mentioned inquiry on circular migration and development recommended that the Swedish government should continue to conclude such agreements with additional countries, arguing that they improve contacts between countries and contribute to development by establishing transnational contacts and enhancing young people's work experiences (CIMU 2011, 159).

To fulfil the requirements for a working holiday permit, applicants must be between 18 and 30 years old, be citizens of one of the countries covered, and have a valid passport as well as health care insurance. There is also a financial support requirement, although at a low level. Applicants must prove that they can support themselves only for a short period of time after their arrival in Sweden. A return ticket is also requested, or proof that the applicant has enough money to buy one.

Over recent years, working holiday travel has become increasingly popular. In 2013, the Migration Agency granted 141 individuals a residence permit for this purpose. The number of granted permits then increased each year, until it reached 646 in 2017. That year, most working holiday travellers came from Australia (224), Canada (152) and Chile (134).

Status changes from asylum to work

Since the 2008 reform, another special feature of Swedish labour immigration policy is that the country now dovetails its asylum and labour immigration systems. In accordance with Chapter 5, Section 15a of the Aliens Act, asylum seekers can under certain circumstances remain in Sweden as workers, even if their claims for protection are rejected (Calleman 2015b, 294-300; Parusel 2016, 260-265).

Normally, asylum seekers have access to the labour market from the beginning of their stay in Sweden. When they are found not to be in need of protection they may apply, within two weeks from receiving a final negative decision²³ on their asylum claim, for a residence permit for work purposes. It is issued whenever an asylum seeker has been working for at least four months before rejection and the employer

guarantees that the contract continues for at least one year.²⁴ The type of work, and whether it is full-time or not, does not matter as long as the working conditions are in line with Swedish collective agreements and the monthly salary is at least 13,000 SEK (approx. 1,300 Euro).

This possibility of “status change” was originally introduced in 2008, and further facilitated in 2014. Under the old rules, failed asylum seekers had to be employed for at least six months by the same company in order to qualify for a status change.

The number of people making use of this option increased in 2017 and 2018 (to 955 and 1,268 cases, respectively, compared to just 155 in 2014), which should be seen as a consequence of the extraordinary refugee situation in 2015. The strong asylum inflow resulted in long asylum processing times. As many asylum applicants now had to wait one year or longer for their cases to be decided, a larger number of them managed to find work while waiting, and then qualified for a status change (Parusel 2018). As the number of asylum seekers decreased strongly in 2016, 2017 and 2018 and the Migration Agency as well as the courts gradually worked off the huge balance of open cases that they had accumulated, processing times will presumably be reduced substantially. Asylum seekers will in many cases not manage to work four months or more before their case is ultimately decided. This will then reduce the number of individuals that may qualify for a status change.

The existing evidence shows that most rejected asylum seekers who successfully changed their status and stayed in Sweden as labour migrants take employment in low-skilled occupations, such as cleaners or helpers in restaurants (Riksrevisionen 2016, 48).

Shortage occupations

The Public Employment Service (*Arbetsförmedlingen*) and Statistics Sweden (*Statistiska Centralbyrån*) are the principal public agencies that produce outputs pertaining to labour market shortages. They publish regularly forecasts and surveys among employers in this area. The Employment Service analyses labour shortages and structural imbalances on the labour market. It also makes predic-

tions and publishes a labour shortage index, measuring both shortage occupations and surplus occupations for a total of around 200 common occupations (e.g., Arbetsförmedlingen 2018). Among the outputs of Statistics Sweden, there is a recurring report that measures vacancy degrees, and a labour market tendency survey, which analyses job prospects for a wide range of (tertiary) academic degrees and (upper-secondary) vocational programmes (e.g., SCB 2018).

There is no direct link between such labour market analyses and the Swedish labour immigration system as employers may recruit from abroad even when they want to fill a vacancy that is not officially listed on a shortage list. However, third-country workers who have been offered a job in Sweden can apply for a residence and work permit from the country if the job is on an official shortage list, as published each year by the Swedish Migration Agency, after consultation with the Employment Service (e.g., Migrationsverket 2018c).²⁵ In 2018, this list comprised a total of 142 occupations. While most of them require a university degree, a high level of skills, or even an authorisation (for work in a regulated profession such as medical doctor, pharmacist or veterinarian), the list also includes occupations requiring vocational training (such as bakers, bus drivers, or hairdressers) and even work without formal skills requirements (e.g., unlicensed assistants to disabled people, pizza bakers, cleaners, taxi drivers).

Foreign workers may thus travel to Sweden with a short-term visa or as citizens of visa-free countries, look for work opportunities and remain in the country if they manage to secure a shortage job and if their employer has critical need for their skills. Critical need means that the business cannot be run properly if the employee would have to travel to their country of origin to apply for a permit. Otherwise, applications for first-time residence and work permits are only possible from abroad. This results in situations where, if a third-country national finds a job in Sweden, he/she have to leave again to apply for a work permit and wait outside Sweden until the permit is granted (Migrationsverket 2015, 12-13).

The number of people who under this regulation for shortage occupations switch from a short-term visa directly to a work permit, without having to leave Sweden, is small. In 2015 to 2017, between 30 and 63 individuals were able to make use of this track each year (Migrationsverket 2019a).

Appraisal and criticisms of the labour immigration framework since 2008

The new Swedish system for labour immigration, which the OECD has labelled “the most open labour migration system among OECD countries” (OECD 2011) has been met with both enthusiasm and criticism. While employer organisations have embraced the new labour immigration system of 2008 from its start and continue to defend it, trade unions and left-wing parties have remained sceptical due to fears of wage-dumping and exploitation of foreign workers (Riksrevisionen 2016, 30). These fears partly turned out to be justified. As the Trade Union Federation *Landsorganisationen* (LO) documented in a report, some employers have recruited foreign workers based on false promises; the working conditions and salaries did not always correspond to what companies had promised in job offers. There were also reports on alleged cases of employers accepting money from applicants for giving them a job and thus making it possible for them to receive a residence permit in Sweden. Furthermore, LO criticised that much employment-related immigration took place in sectors where there is no shortage of domestic labour (Emilsson 2014; LO 2013).

Reacting to such criticism, *Migrationsverket* iteratively introduced stricter requirements for the recruitment of foreign workers to certain industrial branches (Calleman / Herzfeld Olsson 2015a, 24-27). Since 2012, businesses in the cleaning, hotel and restaurant, service, construction, staffing, commerce, agriculture and forestry, and automobile repair sectors, as well as all new enterprises, have to prove *ex ante* that they can actually pay regular salaries during the foreseen employment periods. In 2014, the Parliament passed an amendment to the Aliens Act, making it possible for the Migration Agency to carry out post-arrival checks on employers to verify whether admitted third-country nationals really start working, and whether businesses comply with the terms offered. However, the number of residence and work permits that were revoked after such checks has been relatively small.²⁶

To compensate for these additional checks, trustworthy employers that frequently hire job-seekers from third countries can now get certified, which means that the

Migration Agency ensures a quick processing of applications for residence permits. Electronic applications from foreign workers with a job offer from a certified employer are now often decided only within a few days.

Employers' organisations have generally been supportive of the 2008 reform. They have also argued that if some employers breach the rules, this is not necessarily because of bad will or greed. It can also be the result of negligence, time pressures and a lack of knowledge about the rules and conditions regarding the recruitment and employment of third-country workers. Employers have often criticised the length of the procedure to grant a foreign national a work permit, and the accessibility of the Swedish Migration Agency in case of questions, enquiries or clarifications. As part of the further development of the Swedish Migration Agency's certification system for trusted employers, there is also an ambition to provide each employer with a specific contact person at the Agency.

A major criticism is that the current labour immigration system does not offer migrants a sufficient level of rights and legal certainty regarding their stay in Sweden. If their employer makes a mistake, it is the migrant who risks losing their right to stay and work in Sweden. The fact that work permits are always temporary during the first four years in Sweden creates vulnerability because workers who do not want to, or cannot, move back to their country of origin become dependent on the good will of their employers, which can facilitate exploitation and abuse. Third-country workers may change employers, but as mentioned above, they must apply for a new work permit if the employer or occupation is changed during the first two years in Sweden.

One of the interviewees for this study called the 2008 labour immigration law "a little naïve" in this respect, emphasising the need to offer permanent residence permits instead of temporary ones and to make the job offer, which is the basis for work permits to be granted, legally binding on employers. Currently, these offers are not binding. Hence, it can happen that a labour migrant is granted entry to Sweden and access to a job that does not exist in practice, e.g. because the employer changed his mind. Tillväxtanalys (2018) claimed that Sweden seems to be unique with re-

gard to the practice of reassessing work permits and reviewing the employment conditions after the initial two years, and then once again after another two years, before a permanent permit can be issued. Despite its open approach to labour immigration, Sweden may, in this respect, be less attractive for foreign professionals than other countries.

In this context, there has also been a debate about the so-called “talent expulsions”. These take place when a third-country worker applies for an extension of their work permit and the Migration Agency discovers that their employer has made mistakes regarding, for example, insurance coverage, or has accidentally paid less than the minimum wage for the respective branch or sector, or when a worker did not take enough holiday (Lindsay 2019). In 2017, the Migration Court of Appeal ruled that instead of not extending work permits because of minor mistakes by employers, the Migration Agency should make holistic assessments and grant extensions if the working conditions in general are acceptable and the employer can be considered trustworthy. Although this has reduced workers’ vulnerability to some extent and the share of rejected applications for permit extensions have decreased, some problems persist (Joyce 2019, 30).

Both employees and employers are also affected by rather lengthy processing times for permit extensions at the Swedish Migration Agency. When an employee applies for an extension, he/she may stay in Sweden and continue to work until the extension application has been decided upon, even when in the meantime the first permit expires. But as soon as the first permit is no longer valid, the applicant cannot leave Sweden and return, which negatively affects their ability to travel abroad for business or private purposes (Rehbinder 2019).

Impact of EU law on labour migration governance in Sweden

When it comes to policies on EU legal migration Sweden might sometimes be perceived to play a relatively passive or “preservative” role. While the Swedish government (irrespective of whether it was dominated by the Centre-Left or the Centre-

Right parties) has been an eager advocate of close cooperation, harmonisation and burden-sharing at EU level on irregular migration and asylum (Parusel 2017a; Government Offices of Sweden 2018), it has been much more cautious regarding the development of more binding, common EU rules on labour- and education-related immigration. A general, although not always outspoken, orientation of the government has been to limit the impact of EU legal migration directives on national laws and the pertaining regulations. The Swedish approach can therefore be labelled as “reluctant”. It is also true that a number of legal migration directives were implemented late, sometimes long after the respective deadline for transposition into national law had elapsed.

For example, the EU rules on highly-skilled migrants (“Blue Card”) have had very limited effects in Sweden so far (Ostling 2013, 2; Belmonte 2015; Kolb 2017). The EU Blue Card Directive²⁷ was implemented in Sweden in August 2013 by introducing a new residence and work permit for highly-skilled labour migrants into the Swedish Aliens Act, but this did not have any major impact. Over the period 2013-2015, almost no Blue Cards were issued in Sweden at all. In 2016, only eleven Blue Cards were issued and 31 were granted in 2017 (Eurostat 2019d).

The main reason for the Directive’s limited effect is that the Blue Card does not offer any substantial advantages for potential labour migrants, who will find it easier to be granted a residence permit under the pre-existing general labour immigration framework. To obtain a Blue Card, applicants have to surpass a relatively high salary threshold, earning at least one-and-a-half times the average gross annual wage in Sweden. They also have to prove that they have a university degree or work experience, being able to demonstrate high skills within their sector. These conditions do not apply for residence and work permits under the general admission scheme for workers, which is simpler and more accessible. The Blue Card has also not been actively promoted by the Swedish government or any other organisation in Sweden.

Legal, policy and programmatic framework for education-related migration

Historical development, drivers of change and broad statistical trends

The Swedish Parliament and Government have been very positive about the development of a globalized education sector, competition between successful Swedish and foreign universities and an increased international mobility of students, teachers and researchers. In the framework of broader strategies to increase the “internationalisation” of higher education in Sweden, there has been an ambition to increase the recruitment of foreign students to Swedish universities, which a few government-commissioned inquiries confirmed.²⁸

The number of third-country nationals for education purposes has changed significantly during the recent decade. Up until 2010, this form of migration increased strongly, to later decline by half during 2011. In 2010, the Migration Agency granted 14,118 first-time residence permits for study purposes. The following year 6,836 residence permits were issued; a drop of almost 52 per cent. The declining trend continued into the first half of 2012.

The sharp drop in 2011 was likely caused by the introduction of tuition fees for third-country students that took effect in the autumn term of 2011. Since then, higher education is free of charge for Swedish residents (irrespective of whether they are Swedish nationals, EU nationals or legal third-country national residents) and incoming EU-nationals, but third-country nationals who are not residents are required to pay tuition fees, except if they study in Sweden as part of an official exchange programme (such as Erasmus Mundus). There are also no tuition fees for studies at doctoral level.

The tuition fees vary between the various higher education institutions and are dependent on the type of education.²⁹ Also in 2011, residence permit cards with biometric identifiers were introduced, which may have contributed to some extent to

the decline in the number of third-country students (Migrationsverket 2012). Since 2012, however, the numbers have been rising again. In 2018, almost 10,200 first residence permits were granted for studies at Swedish universities and university colleges, including doctoral studies (see Table 2).

Statistically, residence permits granted for education purposes can be differentiated along five categories: University students (usually at bachelor's or master's level); doctoral students; "other students"; family members of visiting students; and job-seeking after completed studies. The "other studies" category refers to people who are granted a residence permit for studies outside recognised higher education institutions, e.g., upper secondary schools, vocational schools, religious schools, among others. This group is relatively small though, with only about 600 residence permits granted in 2018.

Table 2: First residence permits issued for study purposes, Sweden 2009-2018

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Studies at universities	13 487	14 188	6 836	6 281	6 580	7 898	7 874	8 098	9 292	9 243
Students at doctoral level	-	-	-	811	979	1 247	1 202	928	1 112	951
Other studies	903	757	438	524	612	602	650	458	496	606
Family members of visiting students	-	-	-	615	944	1 337	1 356	1 494	1 954	2 661
Job-seeking after studies	-	-	-	-	-	122	334	445	562	644
Total	14 390	14 945	7 274	8 231	9 115	11 206	11 416	11 423	13 416	14 105

Source: Migrationsverket 2019d.

Note: Separate statistics for doctoral students and family members of students have only been available since 2012. Before, these were included in "studies at universities" category. Residence permits for the purpose of job-seeking after studies have only been granted since 2014.

The composition of the group of incoming third-country university students has changed quite significantly over time in terms of their main nationalities, as further explained in section 5.3 below. Before the introduction of tuition fees, a relatively large share of foreign students came from developing countries in Asia and Africa. Today, the vast majority is from other industrialised and wealthy countries such as China, the USA, Canada, Australia, Singapore and South Korea (Alipor/Ljungberg 2018). This change has raised questions and concerns, not least with regard to Swedish development cooperation and the idea, as framed by the (above-mentioned) inquiry on circular migration and development, that mobile students can make valuable contributions to development in their countries of origin, e.g., by transferring knowledge, skills and experiences (CIMU 2011). In 2018, an inquiry committee, tasked by the Swedish government to make proposals for an increased internationalisation of the Swedish higher education system, confirmed that the number of foreign students coming to Sweden from the main recipient countries of Swedish development aid had decreased significantly as a consequence of the tuition fees. The fees represented an “additional obstacle” for students from developing nations, in addition to the high living costs in Sweden, which already made study-related stays difficult and expensive for students with limited resources. The internationalisation inquiry, therefore, proposed an expansion of the existing scholarships provided by the Swedish state, in particular to the benefit of students from main recipient countries of Swedish aid (Utredningen om ökad internationalisering av universitet och högskolor 2018b, 330-332). The inquiry also recommended further international exchange programmes and bilateral cooperation regarding education and research.

Conditions for admission and procedural aspects

To obtain a residence permit for studies at a Swedish higher education institution, applicants from third countries must hold a valid passport; be admitted to a course of full-time study at a university or university college; be able to support themselves during the foreseen study period in Sweden; and have comprehensive health insurance. Applicants who have to pay a tuition fee are not considered admitted to studies in Sweden until the fee is paid to the respective university or university college.

The Migration Agency does not require proof of language capabilities, as this is the responsibility of each higher education institution that admits foreign students.³⁰

In 2018, the minimum maintenance requirement for people applying for a residence permit for studies in Sweden was SEK 8,064 (approximately EUR 800) per month. Applicants must show that they have secured sufficient means to support themselves for the period for which they are applying for. If an individual intends to study in Sweden for one year or longer, they must show that they can support themselves for at least ten months. Proof can be provided by showing that they have their own bank assets, or a study grant or scholarship.

Incoming international students have a right to be accompanied by members of their core family, i.e. the student's wife or husband, cohabiting partner, registered partner, and unmarried children under the age of 18.³¹ Such family members can be admitted under the condition that they have a valid passport, that they have sufficient means to support themselves, and that they indeed plan to live together with their "sponsor".³² Residence permits for family members of international students are granted for the same time period as the sponsor's permit. If their permit is valid for more than six months, which is often the case, the residence permit usually includes a work permit.

The number of family members coming to Sweden to join international students is relatively large. In 2018, the Swedish Migration Agency granted 10,194 first time residence permits for study purposes (students at universities/university colleges and doctoral students), and another 2,661 permits for family members of international students (see Table 2 above).

Third-country nationals holding a residence permit for study purposes are exempted from the requirement to hold a work permit. This means that they can engage in any kind of work for an unlimited number of hours a week.

Links between student migration and labour migration

Since 2014, students who have successfully completed a programme of studies at a Swedish higher education institution lasting at least two terms can receive a residence permit for the purpose of looking for employment or investigating opportunities to start a business. According to a provision in the Swedish Aliens Ordinance, this permit can be valid for a maximum of six months. Previously, international students were only allowed to stay in Sweden after finishing their studies if they had found work already during their study period in the country and applied for a residence permit for work reasons before the study-related permit expired. Since the 2014 amendment took effect, over 2,100 third country nationals who previously had a residence permit for studies in Sweden received a new residence permit to stay and look for work, and their number increased every year (see Table 2 and Migrationsverket 2018a, 26).

It is also possible for international students to “change tracks” already during their studies. On the basis of a valid residence permit for studies, they can be granted a permit for work reasons if they find a job that matches the requirements for labour immigration in terms of, e.g., salaries and working conditions. In the same way as the overall rules for labour immigration, even the “status change” option for students is skill- and country-blind. Where a student originally comes from, and whether he/she finds work in an occupation that corresponds to their education, or in a different field, does not matter. Status changes towards work are only possible, however, for students who have completed courses amounting to at least 30 higher education credits, which means one term of full-time studies, or one term of studies at doctoral level (Migrationsverket 2019b).

How successful these “status change” opportunities for third-country students are in practice is debateable. Among all third-country nationals that were granted a residence permit for work purposes in 2017, 778 were former students at Swedish universities and university colleges. This figure was 556 in 2014, and 419 in 2015, and 394 in 2016.³³ Thus, the impact of the status change option appears limited although some students might choose and be able to stay in Sweden on other legal grounds, such as family formation or starting their own business.³⁴

Vocational education and residence permit for “other studies”

Although immigration to Sweden for the purpose of academic studies is excluded from the scope of this study, some analysis of this type of education-based migration is essential due to Sweden’s integrated education system. Residence permits for study purposes are not only granted for higher education, but also – as mentioned above – for “other studies”, which is often vocational education and training. Moreover, a number of programmes and courses at universities and university colleges have a vocational rather than academic profile.

Initial vocational education for young people is essentially school-based and part of the upper secondary schooling in Sweden. *Gymnasium*, the upper secondary school (or high school), comprises eighteen regular national education programmes of three years. Six of these are preparatory for higher education such as university, and twelve are vocational. While entrance requirements vary between programmes, all of them demand students to have passed grades in Swedish, English and mathematics from their final year of the nine-year compulsory (elementary) schooling. Today, almost all compulsory school graduates move on to upper secondary school.

The proportion of upper secondary students enrolled in vocational programmes in Sweden is below the EU average. In 2015, it was 38 percent, compared to 47 percent in the EU as a whole. Thus, most students at upper secondary schools in Sweden choose theoretical/academic programmes, which are oriented towards higher education (Cedefop 2018, 5). Vocational programmes at upper secondary level include at least 15 weeks of training at workplaces, but a student who has completed such a programme is normally a generalist rather than a specialist, and the acquisition of more specialised skills happens once the student starts working and acquires further vocational training on the job. Since 2011, there is an apprenticeship system as well, but it is school-based and the apprentices are not later employed (Olofsson/Thunqvist 2014).

More recently, a new type of vocational programme was introduced in 2014, which is called “vocational introduction employment” (*yrkesintroduktionsanställning*) and targets young people under the age of 25, long-term unemployed people and

newly arrived refugees or beneficiaries of some other type of protection. Those who enrol can learn a trade or profession while being employed and getting paid at least 75 percent of a normal salary in accordance with the respective collective agreement. At least 15 per cent of working hours consist of training or supervision, and employers receive a contribution from the state.

Vocational education and training for adults is available through municipal adult education (*Komvux*), through labour market training programmes, folk high schools (*Folkhögskolor*), and Higher Vocational Education (*Yrkeshögskola*)

At university, students can study a few years or many years and receive a number of different degrees in different subjects. Sweden has about 50 higher education institutions in different locations. Most of them are public authorities, subject to the same legislation and regulations as other public authorities, as well as the particular statutes, ordinances and regulations relevant to the higher education sector. A smaller number of universities and university colleges are self-governing and independent, operating on the basis of an agreement with the Government (UKÄ 2017).

There is a possibility to move to Sweden for non-academic studies, although few young migrants do it. Residence permits can be granted for “other studies”, which means, e.g., studies at upper secondary schools, folk high schools, religious schools, vocational institutes, or preparatory courses for academic programmes, language courses, and artistic or cultural courses. Residence permits for such purposes are normally granted for the planned period of study, but no longer than one year. For courses or programmes that stretch over a longer time, permits are granted for one year or 13 months and can then be extended.

Little is known about the profile of incoming students in this group and what studies they conduct. Migration for this purpose is a rather marginal phenomenon, and there have not been any official proposals to expand “other studies” as a purpose or channel for legal immigration.³⁵ A major reason for the low frequency is that applicants must prove that they can financially support themselves during their stay in Sweden. For each year, the Swedish Migration Agency determines a minimum amount that applicants must have at their disposal to satisfy the financial support

requirement.³⁶ It is calculated as a specific percentage of the price basic amount for the respective year.³⁷ In 2018, it was SEK 8,064 (approximately EUR 800) per month. It can be reduced if a student is to receive free housing and/or food. For incoming exchange students at upper secondary schools, some pocket money is normally sufficient, and the full financial support requirement is waived.

As Table 2 showed, the number of migrants who receive residence permits for “other studies” is limited. Of the 496 permits that were granted in 2017, most were for nationals of USA (47), Iraq (46), Japan (40), Iran (25) and China (15). Some nationalities had a high rejection rate, which means that a residence permit was more frequently refused than granted. This was the case for nationals of Albania, India, Iran, Cameroon, China, Pakistan, Saudi-Arabia, and Russia, among others. While applications for residence permits for university studies are almost always successful, with a grant rate of 97 percent in 2017, the grant rate was only 37 percent for applications for “other studies”. There is no documented information on why the grant rate is that low. Problems can relate to difficulties of applicants to provide evidence of enough financial resources, or failure to prove that their purpose to visit Sweden is actually to study there. The fact that most applicants are refused suggests that migration for “other studies” should be studied and analysed. This particular type of migration may have potentials that are not fully explored.

Bilateral and multilateral cooperation with third countries

Sweden has concluded a number of bilateral agreements on the readmission of rejected asylum seekers and other individuals with no right to stay in Sweden, and it adheres to further readmission agreements that have been negotiated and concluded by the EU (EMN 2015, 47).³⁸ As a member of the Schengen area, Sweden also participates in visa liberalisation processes between the EU and selected third countries. By contrast, there is no comparable country-specific approach to enabling legal immigration for work or training purposes. Generally speaking, as far as legal migration is concerned, the Swedish law-maker has restricted itself to provide a legal framework for immigration for work and education or training and does

not attempt to either facilitate or hinder immigration from specific countries. The approach to immigration for work and education can therefore be labelled “country-blind”, which has also been confirmed by experts interviewed for this study.³⁹ The few, above-described bilateral “Working holiday agreements” for young people from eight countries can be considered an exception from this overall rule. However, they are considered a type of cultural exchange rather than an element within the labour immigration framework.

As far as direct contacts between Sweden and third countries regarding legal migration are concerned, it has also been observed that there are no official, state-managed job-matching services or market places for employers in Sweden who have a need to recruit from abroad. Bigger companies might be able to use the services of for-profit recruitment or placement firms, but this can be too expensive for smaller ones. The Audit Office (Riksrevisionen 2016) has noted that around 70 percent of all employers who systematically recruit workers from abroad have a foreign background. Companies that have no such contacts have to build them up from scratch or use other companies’ services (Riksrevisionen 2016, 91). This can indicate that personal bilateral networks and contacts to other countries are important factors when it comes to possibilities to find workers abroad.

In 2006, the Committee on labour immigration expressed the view that bilateral agreements between Sweden and selected third countries could facilitate contacts between employers and potential employees abroad, and shape channels for in-demand workforce. It even outlined possible components of such agreements, such as mutually agreed conditions for certain types of qualifications, quantitative targets, commitments regarding the rights of labour migrants and any benefits they should be offered, or practical arrangements between public employment services. Although such agreements could “bureaucratise” immigration procedures, the KAKI-Committee recommended the government to examine the possibility of concluding such agreements with interesting countries (KAKI 2006, 158-159).

However, these proposals were not followed up. On the contrary; a subsequent Committee that examined the possibilities of encouraging circular migration to and from Sweden indirectly contradicted the KAKI-Committee’s idea. In its final report,

the circular migration committee made a strong statement against managed migration based on bilateral agreements:

“In many countries, including within the EU, the concept of circular migration is often equated with programmes for labour migration exchanges between countries, often for certain limited parts of the labour market. Usually such programmes are based on bilateral agreements between countries. The Committee calls this managed circular migration and, instead, recommends the promotion of spontaneous circular migration, that is to say a system where the individual him/herself decides when he or she should migrate and where the individual employer decides whether to employ labour from a third country” (CIMU 2011, 30-31).

As far as international students and researchers are concerned, some country preferences can perhaps be found, even if they do not entail any legal or procedural facilitations. For example, there are bilateral agreements on international mobility of researchers and/or students, but these include vague cooperation commitments rather than concrete targets. It could be argued though, that state-funded, academic exchange programmes or study scholarships favour certain countries or world regions over others, as they make it easier for nationals of the respective countries to finance their stay in Sweden.

There are two main scholarship systems. First, the various universities and university colleges grant scholarships from funding coming from the Swedish state, via the Swedish Council for Higher Education. In most cases, these scholarships are granted on the basis of the academic excellence of the applicant rather than their nationality. Second, the Swedish Institute provides the so called “Swedish Institute Study Scholarships” (SISS) amounting to a total of SEK 150 million a year, which are funded through the state budget for development aid. There are two main types of scholarships within SISS. One of them, comprising SEK 70 million, is directed towards students from low- and middle-income countries. The other one is directed to students from countries that are prioritised as long-term target countries of Swedish development cooperation (SEK 80 million). Both aim to contribute to capacity building and development in low- and middle-income nations. Further

to SISS scholarships, the Swedish Institute also grants study scholarships in the framework of cooperation within the Baltic Sea Region and countries in Eastern Europe, the Western Balkans, and Turkey.

Apart from study scholarships for higher education that are funded through the budget for development aid, the link between migration policy and development cooperation is relatively weak in Sweden. It is true that Sweden has been much in favour of enhanced international cooperation on migration and the protection of refugees, and has eagerly participated in global consultation processes such as the Global Forum for Migration and Development (GFMD)⁴⁰. Yet this has not trickled down to the practical-operational level in the sense of country-specific arrangements for a mutually beneficial management of migration flows⁴¹.

As one of the experts interviewed for this study explained, development cooperation is considered foreign policy, and it is not used to achieve certain goals in relation to migration management. While links and synergies between development in the global South and international migration have been much discussed in Sweden, this usually takes place on a theoretical and perhaps idealistic basis rather than in terms of concrete targets or practical arrangements concerning migration flows to or from Sweden. As mentioned, the 2009-2011 CIMU Committee made a strong case for liberalising certain provisions on migration in the Swedish Aliens Act to encourage “spontaneous” circular migration. The proposals were based on the assumption that migrants with a secure status or at least a perspective to stay in Sweden are more likely to circulate between Sweden and their home countries and make positive contributions to development than migrants who are temporarily admitted under managed migration schemes. Consequently, the CIMU inquiry did not advocate for concrete arrangements between the government or Swedish public agencies and their counterparts in developing nations to facilitate or encourage certain types of migration under certain frameworks.

Similarly, the Swedish International Development Cooperation Agency (SIDA) does acknowledge international migration as an important factor in the context of global development, but does not assess the impact of its projects in developing nations on migration to or from Sweden, nor does it aim to help achieve certain migration policy

targets by implementing specific actions abroad. This is not surprising considering that the government has not instructed the Agency to implement such actions. In its appropriation directions and spending authorisation for 2017,⁴² the government mentions the term “migration” only once; in a section requiring the Agency to report the results of its operations along a number of thematic headings. One of these headings is “migration and development” (Regeringen/Utrikesdepartementet 2016). In its annual report for the year 2017, SIDA reports on its spending, activities and projects regarding international migration. These include, for example, support to regional developments projects in Africa that include migration components, support to the Somalia diaspora in Sweden to promote investment and job-creating in their country of origin, and regional projects against trafficking in developing nations. It also supported Swedish missions abroad to apply for funding from the EU Emergency Trust Fund for Africa and start migration-related projects. SIDA states that its overall ambition is to enhance the positive development impacts of migration and counteract negative effects that can arise from irregular and forced migration (SIDA 2018, 146). However, it does not relate its activities abroad to the management of migration to or from Sweden, and this is described in very positive terms. As SIDA argues, a political or ideological “shift” has occurred in several other important donor countries, which “politicise” development aid, often with an intention to “obstruct migration” flows. Sweden has, in SIDA’s view, remained more and more isolated in its role as a principled, flexible and system-consolidating humanitarian partner (SIDA 2018, 144). In other words, not using development cooperation to reach domestic migration policy goals is seen as an achievement rather than a problem.

Incomplete and failed policies

When it comes to policies for labour migration and migration for education and training purposes, it is interesting to ask what has been tried but not succeeded, or what has been proposed (e.g., by government-commissioned enquiries), but not transposed into legal action.

One example of an innovative policy approach, which was not fully followed through and later largely forgotten, is a programmatic framework for encouraging circular

migration. Over the period 2008-2014, this was a topical issue, and the government and other stakeholders invested considerable energy in developing a common understanding and practical approach in this regard. In 2009, the Government appointed an independent parliamentary committee to examine the connection between circular migration and development. The final report of the so-called CIMU (*cirkulär migration och utveckling*) committee, published in 2011, included several proposals, including allowing legal migrants longer periods of absence from Sweden without the loss of residency; making it easier for international students to remain in Sweden to work; providing public support to diaspora groups and their development-related projects in other countries; establishing a web-site enabling migrants to compare fees for remittances back to their home countries; and achieving better coherence between migration and development strategies (CIMU 2011).

One of the outcomes of the report was a Government bill, which was enacted by the Parliament in 2014 and aimed to facilitate circular movements to and from Sweden. Since then, a permanent residence permit is only revoked when a migrant stay outside Sweden for two years or more. The bill also stated that labour migrants with temporary residence permits are allowed to spend certain periods of time outside Sweden and still be able to qualify for a permanent residence permit seven years after their first entry to Sweden. In a similar way, foreign doctoral students can leave the country for several years, while retaining their right to reside and qualify for permanent stay (Regeringskansliet 2014; Migrationsverket 2015c, 40-41).

With these measures, Sweden may have given new impetus to the international policy debate about circular migration and its potential benefits, a debate that had stagnated for many years. At the same time, the legislator also made clear that Sweden does not trust “managed” policies for circular migration that, for example, allow labour migrants to stay for a predetermined period of time, or focus on circular migration provisions between Sweden and specified countries of origin. Instead, from the Swedish perspective, the migrants themselves shall be able to decide: If they want to leave and come back, they may do so; if they want to stay, that should also be an option.

Not all proposals of the CIMU enquiry were transformed into law. There has not been any significant progress with regard to the portability of welfare entitlements,

and the link between Swedish development aid and the governance of migration is still weak. As neither the government nor the enquiry committee developed a clear definition of the term “circular migration”, the term has remained vague, as well, and progress about circular movements remains difficult to measure or evaluate (Parusel 2017b). It is difficult to find an explanation for the diminished interest on this approach but an evident fact is that the strong increase in the number of asylum seekers in 2014 and 2015 has diverted attention away from longer-term strategic approaches to migration. The political debate has shifted towards other, more pressing policy challenges, such as the integration of the many new arrivals, the deterrence of irregular migrants and asylum seekers as well as voluntary and forced returns.

In addition to the circular migration policies, it could also be argued that the EU Blue Card for highly skilled migrants has been a failure in Sweden so far. As mentioned above, the related EU Directive on highly-skilled migrants was implemented in Swedish law, but has so far remained without practical relevance as the general Swedish regulations for immigrating workers are more generous than the Blue Card rules.

Endnotes Chapter 5

1 The latest English translation of the Aliens Act was published by the Swedish government offices in 2009, but as it was amended many times since then, this study refers to the original Swedish version instead of the English translation.

2 For more information about these permits, see Calleman/Herzfeld Olsson 2015a.

3 Employers are requested to publicly advertise vacancies but, when recruiting from outside the EU, they are not obliged to provide evidence that no suitable candidate was found within Sweden or the EU. Thus, no justification of the need to recruit from a third country is required.

4 This means that even part-time employment is possible, provided that the minimum monthly salary is reached. To some degree, salaries can be paid in kind, e.g., through free housing or free meals.

5 The same fee applies for EU Blue Cards, ICT permits, or permits for seasonal workers. The fee for an extension of a work permit beyond the initial period of validity is SEK 1,000 if the applicants work within the same occupation and for the same employer. If either the occupation or the employer changes, the fee is SEK 2,000, as for first-time permits.

6 Percentages calculated by the author based on Migrationsverket 2019a.

7 Subsidised jobs are not available for migrants who come to Sweden for work purposes.

8 “Other remunerated activities” means residence permits granted for work reasons excluding highly-skilled workers, seasonal workers, and researchers.

- 9 Further details on seasonal work are provided in Chapter 4.2.6 below.
- 10 Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.
- 11 The provisions of the Directive have been laid down in Chapter 4, Sections 7a and b as well as Chapter 5, Section 2, Paragraph 1, Number 11 of the Aliens Ordinance.
- 12 Most of these exceptions from work permit requirements are laid down in Chapter 5, Section 2 of the Aliens Ordinance.
- 13 This can apply, for example, to individuals who deliver technical equipment or machines to a Swedish customer and install as well as test this equipment and provide training on how to use it.
- 14 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment.
- 15 Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.
- 16 If a person has already been granted an ICT permit in another EU Member State but is going to work in Sweden, they may receive an extended-stay “mobility ICT permit”. ICT permits are relevant for managers, specialists or trainees. Their advantage, compared to standard work permits under the general labour immigration framework, is that the Migration Agency has to make a decision on each application within 90 days. A potential disadvantage is that more evidence and documentation is required, compared to the provisions of the general framework. For example, ICT applicants have to provide an employment contract from their employer outside the EU/EEA area, and proof of insurance (Migrationsverket 2018d).
- 17 The impact of the implementation of the Directive cannot be studied yet, as the new rules have only been in place for a short period of time. It is likely that the impact is greater than the effects of the EU Blue Card Directive for highly-qualified third-country nationals, however. As described below in section 5.5.11, the Blue Card only complemented the pre-existing Swedish system whereas the ICT Directive takes priority over the Swedish rules for its target group (Tillväxtanalys 2018, 74).
- 18 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.
- 19 Chapter 6c of the Swedish Aliens Act.
- 20 The final report of the inquiry committee stated: “In many countries, including those within the EU, the concept of circular migration is often equated with programmes for labour migration exchanges between countries, often for certain limited parts of the labour market. Usually such programmes are based on bilateral agreements between countries. The Committee calls this managed circular migration and, instead, recommends the promotion of spontaneous circular migration, that is to say a system where the individual him/herself decides when he or she should migrate and where the individual employer decides whether to employ labour from a third country” (Kommittén för cirkulär migration och utveckling 2011, 30).
- 21 Chapter 6c of the Swedish Aliens Act.
- 22 Citizens of countries that are subject to Schengen visa requirements will however need a visa to travel to, and stay in, Sweden for less than 90 days.
- 23 A “final negative decision” is either a negative decision at first instance (taken by the Swedish Migration Agency), which is not appealed against and therefore gains legal force, or a decision by a higher instance (Migration Court or Migration Court of Appeal) that is not or cannot be appealed and thus becomes enforceable.
- 24 There are a few additional requirements such as having a valid passport.

- 25 They may not start working, however, until the work permit is granted.
- 26 During the three-year-period 2015-2017, fewer than 300 permits were revoked.
- 27 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment.
- 28 See for example Regeringskansliet 2015; Utredningen om ökad internationalisering av universitet och högskolor 2018a; Utredningen om ökad internationalisering av universitet och högskolor 2018b.
- 29 The fees for one year of studies in social sciences and humanities vary between SEK 80,000 and 110,000 per year, while technical programmes and natural sciences are more expensive (SEK 120,000 – 145,000 per year. Architecture and design are among the most expensive programmes (SEK 190,000 – 300,000 per year). The tuition fees for each programme are listed at <http://www.universityadmissions.se> and universities' websites.
- 30 The legal provisions for the admission of students are mainly found in Chapter 5, Section 10 of the Aliens Act, Chapter 4, Sections 5 and 5a of the Aliens Ordinance, and Chapter 5, Section 5, Paragraph 1 of the Aliens Act.
- 31 The term "cohabiting partner" refers to couples who are not married but live together as if married.
- 32 The minimum support requirement is lower for family members than for the main applicants, with SEK 3,500 per month for adults and SEK 2,100 per month for each child.
- 33 The numbers include both students that graduated, and then searched and found employment, and students that dropped out of their studies and took a job (after completing the minimum amount of higher education credits).
- 34 A recent government-commissioned enquiry found that the Swedish "retention rate" regarding international students was low. "Retention rate" means the share of international students who have remained in Sweden after their studies. According to the enquiry, this rate was about seven percent in 2015-2016 (Utredningen om ökad internationalisering av universitet och högskolor 2018b, 292).
- 35 The various experts interviewed for this study did not express any concrete ideas to further develop this immigration pathway, which does not seem to be widely known.
- 36 Applicants have to show that they have the financial resources required on a bank account (or similar) of their own, or that they have a study grant or scholarship. Loans or money on other persons bank accounts are not accepted.
- 37 The price basic amount is calculated for each year based on changes in the general price level, in accordance with the Swedish National Insurance Act. Calculations reflect changes in the Consumer Price Index.
- 38 Whenever considered necessary or useful, the Swedish government also holds talks with specific countries regarding irregular migration, asylum, or return issues. In 2018, for example, the Swedish government has held talks with the Georgian government, expressing concerns about the increased number of unfounded asylum applications by Georgian nationals in Sweden, and growing criminal activity (EMN 2018).
- 39 In addition to readmission agreements and visa facilitation agreements, Sweden is also a signatory to EU mobility partnerships with Morocco and Tunisia. It also participates in a number of international fora, such as the Khartoum process, a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe (<https://www.khartoumprocess.net/>), or the Euro-African Dialogue on Migration and Development (Rabat process, <https://www.rabat-process.org/en/>).
- Different public agencies and authorities, not least the Swedish Migration Agency, have also car-

ried out migration-related projects in third countries, such as recently in Serbia, Kosovo and Turkey (Migrationsverket 2018f, 91). Generally, the aim of such cooperation has been capacity-building or the provision of support or training to agencies in partner countries. Cooperation has not included concrete arrangements or targets for the admission of workers from these countries to Sweden.

40 The GFMD is a voluntary, informal, non-binding and government-led process open to all Members and Observers of the United Nations, to advance understanding and cooperation on the mutually reinforcing relationship between migration and development and to foster practical and action-oriented outcomes (<https://gfmd.org/>).

41 Sweden has also supported and endorsed the Global Compact for Safe, Orderly and Regular Migration (United Nations 2018a) and the Global Compact for Refugees (United Nations 2018b).

In 2018, the Government described its international approach as follows: "Global cooperation needs to be strengthened to find sustainable and joint solutions to better manage the movement of migrants and people in need of protection. (...) Sweden, together with other countries, will stress the need for greater global responsibility sharing and collaboration, and enhanced governance. The Government will also work to ensure that states implement the migration-related commitments of the 2030 Agenda for Sustainable Development. This involves facilitating safe, orderly, managed and responsible migration. Sweden is the sixth largest humanitarian aid donor in the world and among the largest donors to both the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), which are doing outstanding work for migrants and refugees, including in North Africa and the Mediterranean (Government Offices of Sweden 2018).

42 Appropriation directions and spending authorisations (regleringsbrev) are an instrument used by the Swedish government to assign state agencies certain tasks and specify those agencies' budgets.

6. Analysis: Implementation and effects

This chapter provides further analysis on how the Swedish policies for labour and student migration have worked in practice, what their outcomes are in terms of the profiles of migrants admitted, how legal migration for work and training relates to the asylum system, and what obstacles or barriers exist for legal admission for work and education purposes.

Labour immigration: Main occupations and nationalities

When a work permit is granted, the Swedish Migration Agency registers the job that a person has applied for in its statistical database. Looking at this data, it becomes clear that both highly-skilled and medium- as well as low-skilled people have been granted a work permit in Sweden.

During the period 2015-2018, the two main occupational groups of incoming work migrants were “IT architects, system analysts, and test managers” and “berry pickers and planters”. Other major groups were engineering professionals, cooks, and fast-food workers, followed by physical and engineering science technicians and cleaners and home service personnel. Table 3 below lists the 20 most frequent professions among third-country nationals who were granted a work permit in 2015-2018.

It should be noted that the statistics presented here are different from the data in Table 1 (chapter 5.5.4) and Table 5 Table 3 which display statistics on work permits while Tables 1 and 5 are for residence permits. The two are to a large extent overlapping but not fully congruent as the number of residence permits is somewhat greater

than the number of work permits. As described above, some categories of incoming workers do not need a work permit to engage in gainful activities in Sweden. There are also cases, however, in which third-country nationals need a work permit, but not a residence permit, e.g., people who only intend to work in Sweden for a short time (shorter than three months) and are thus issued a visa.

Table 3: First-time work permits granted, top-20 occupational groups, 2015-2018

Occupational group	2015	2016	2017	2018	2015-2018
IT architects, systems analysts, and test managers	3 252	3 737	4 029	4 415	15 433
Berry pickers and planters	3 784	3 199	3 043	4 882	14 908
Engineering professionals	709	790	1 082	1 249	3 830
Cooks and cold-buffet managers	664	532	849	1 085	3 130
Fast-food workers, food preparation assistants	528	397	781	1 117	2 823
Physical and engineering science technicians	314	335	431	656	1 736
Cleaners and home service personnel	190	192	513	688	1 583
Carpenters, bricklayers, and building frame workers	144	122	240	653	1 159
Forestry workers	260	142	257	327	986
Nursing auxiliaries, custodians, and personal assistants	191	234	268	257	950
Vehicle mechanics and repairers	177	201	213	225	816
Operations, support, and network technicians	39	31	246	480	796
Accountants, financial analysts, and fund managers	144	138	197	209	688
Primary school teachers, early childhood teachers	158	158	173	177	666
Designers	72	105	165	212	554
Market gardeners and crop growers	167	94	127	160	548
Office assistants and secretaries	85	87	149	186	507
Insurance advisers, sales and purchasing agents	104	112	137	146	499
Newspaper distributors, attendants, other service workers	79	74	137	172	462
Marketing and public relations professionals	81	72	115	134	402
Other occupations	2 171	1 774	2 400	3 411	9 756
Total	13 313	12 526	15 552	20 841	62 232

Source: *Migrationsverket 2019a*.

It is difficult to compare the occupational composition of people that were granted work permits over a longer period of time. This is a result of the classification and categorisation of several relevant occupations, as well as the terminology used, which has been changed several times since 2008 when the current labour immigration system was introduced. A basic comparison of the most frequent occupations among incoming workers during the period 2015-2018 with those who came in 2010 would show, however, that berry pickers (who were then classified as “agricultural, fishery and related labourers”) and “IT specialists” (now called “IT architects, systems analysts, and test managers”) were the most common occupational groups already in 2010. While the number of berry pickers has changed up- and downwards over time, the number of IT specialists has continuously increased (Joyce 2019).

If we look at the main nationality groups among migrant workers in 2015-2018, India, Thailand, China, Ukraine and Turkey were most frequent (see Table 4). These five nationality groups were also the most common already in 2010. Interestingly, the figures for 2015-2018 show that nationalities are not evenly distributed across the various occupational groups. On the contrary, there seem to be rather clear patterns that link certain countries of origin to certain jobs in Sweden. This can reflect established contacts between Swedish companies and subsidiaries or work placement agencies in other countries, or other types of contacts. One of the experts interviewed for this study mentioned that foreign diasporas in Sweden also play a role in this regard. Sometimes, business owners and entrepreneurs with foreign background offer jobs primarily to fellow citizens. The intention can be that they need an employee from their own country of origin or with the same language capacities, or that they want to enable a relative or friend to migrate legally to Sweden by offering employment.

Among those who come to Sweden to work as “IT architects, system analysts, and test managers”, an overwhelming majority is from India (3,193 out of the total of 4,415 in 2018). The second most popular occupational group, berry pickers and planters, is almost entirely dominated by workers from Thailand. Engineering professionals, the third largest occupational group, is slightly more diverse when it comes to nationalities, with Indians, Chinese and Brazilians topping the list. Among

cooks and cold-buffet managers, China, Vietnam, Thailand, Turkey and Iraq have been the main nationalities. Fast-food workers, food preparation assistants predominantly came from Turkey, Mongolia, Egypt, Iraq and Bangladesh.

Table 4: First-time work permits granted, top-20 nationalities, 2015-2018

Citizenship	2015	2016	2017	2018	2015-2018
India	3 754	3 305	4 413	4 966	16 438
Thailand	3 504	4 155	3 328	5 148	16 135
China	775	740	931	928	3 374
Ukraine	260	474	557	1 027	2 318
Turkey	328	410	564	708	2 010
USA	319	391	522	554	1 786
Iraq	243	352	342	670	1 607
Brazil	286	213	277	388	1 164
Serbia	208	247	302	376	1 133
Iran	176	218	282	373	1 049
Pakistan	134	175	299	362	970
Russia	206	184	240	289	919
Vietnam	136	121	244	366	867
Bosnia and Herzegovina	96	162	223	320	801
Egypt	106	166	220	268	760
Bangladesh	99	135	195	315	744
Syria	113	358	128	138	737
Mongolia	74	81	270	290	715
Canada	125	155	140	208	628
Kosovo	91	91	160	271	613
Other nationalities	2 280	393	1 915	2 876	7 464
Total	13 313	12 526	15 552	20 841	62 232

Source: Migrationsverket 2019a.

The time labour migrants spend in Sweden varies. The number of third country nationals who receive a work permit from the Swedish Migration Agency is significantly higher than the number of people that are registered as labour migrants in

the Swedish population registry. As mentioned earlier, a person is only registered as a resident if he or she stays, or is expected to stay, in the country for one year or longer. The discrepancy between the number of work permits granted and the number of registrations in the population database means that many, from the outset, plan to work in Sweden only for a short period. Research shows that a large proportion of labour migrants comes to Sweden on shorter assignments, and this was also confirmed by experts interviewed for this study. Short stays are frequent among berry pickers and other seasonal workers, for example, but also for computer and IT specialists who work abroad at Swedish multinationals' foreign subsidiaries or subcontractors and come to Sweden in the framework of intra-corporate transfers (Tillväxtanalys 2018).

Labour migration as an alternative pathway to protection?

The available statistical data also point to similarities between labour-related immigration and the asylum system in Sweden, as far as the nationalities of incoming workers and asylum seekers are concerned. Table 5 displays on the left the top 20 nationalities of third-country nationals that were granted a residence permit for work purposes during the period 2009-2018, and on the right the 20 main nationalities of people requesting asylum during the same period. The comparison reveals that eight out of the twenty main nationalities of labour migrants also figured among the twenty main nationalities of asylum seekers, and vice versa. Particularly interesting are the examples of Syria, Iraq and Iran. During this period, Syria was the fourth most frequent nationality of incoming workers, and by far most important nationality of asylum seekers. Iraq was number seven among labour migrants, and number four on the list of asylum seekers. Iran was number nine among labour migrants, and number eight among asylum seekers.

These figures suggest that legal admission for work purposes can represent a legal pathway to Sweden for people who might otherwise seek asylum. Pelling (2015) has in this context spoken of "protection-seeking labour migrants", arguing that there is

no sharp separating line between migration for the purpose of receiving protection and migration for other reasons, such as work (Pelling 2015, 253).

Table 5: Nationality overlaps, labour immigration and asylum, 2009-2018

Residence permits for work purposes	2009-2018	Asylum applicants	2009-2018
India	56 095	Syria	120 586
Thailand	44 975	Afghanistan	66 099
China	21 096	Somalia	38 411
Syria	11 801	Iraq	38 243
USA	11 255	Eritrea	33 738
Ukraine	10 999	Stateless	31 149
Iraq	10 255	Serbia	17 525
Turkey	10 002	Iran	15 330
Iran	8 006	Kosovo	10 249
Pakistan	6 931	Albania	9 559
Russia	6 182	Russia	7 798
Serbia	4 712	Georgia	7 001
Canada	4 598	Mongolia	6 472
Brazil	4 372	Ukraine	5 133
Egypt	4 199	Ethiopia	4 988
Australia	4 080	Bosnia and Herzegovina	4 770
Bangladesh	4 066	Morocco	4 445
Mongolia	4 029	Macedonia	4 358
Vietnam	3 545	Nigeria	4 213
Bosnia and Herzegovina	2 855	Uzbekistan	3 752

Source: Migrationsverket 2019d and 2019c.

Note: The number of asylum applicants might differ significantly from the granted asylum applications. For more information see Appendix 3.

At the same time, the juxtaposition of the main nationalities within both groups, labour migrants and asylum seekers, not only includes nationals of countries with very or relatively high asylum recognition rates, but also migrants with very small

chances to receive protection. In 2017, the protection rate for Russian nationals was 21%, for Iraqis 39%, for Iranians 53%, and for Syrians 99%.¹ By contrast, the protection rate for Ukrainians was only 6%, for Mongolians and Serbians 3% each, and for asylum seekers from Bosnia and Herzegovina 1% (Migrationsverket 2019c). In particular for individuals from countries with low protection rates, immigration for employment purposes seems to work as a viable and more realistic alternative than applying for asylum. But the extent to which nationals of countries with low asylum recognition rates indeed chose the legal labour immigration pathway varies between the different groups. Among Ukrainians, the number of individuals being granted a residence permit for work purposes outnumbers by far the number of asylum seekers. With Mongolians, Serbians and Bosnians, however, far more asylum seekers than legal labour migrants are registered. Further nationality groups who are frequent among asylum seekers but are seldom granted protection are Albanians, Kosovars and Georgians, with protection rates of 1%, 6%, and 0%, respectively. Why the Swedish labour immigration system seems to work as an alternative to the asylum pathway for Ukrainians but not to the same degree for the other groups with low protection rates mentioned here, is a question that – due to a lack of evidence – cannot be answered. It would be interesting to test, however, if targeted information campaigns about labour migration opportunities or job matching initiatives in any country that is a frequent country of origin of asylum seekers with low protection rates can make a difference in such a way as to direct more people towards employment-based stays, and fewer to the asylum system.

In 2012-2015, it was observed that many migrants who had been issued a work permit and arrived in Sweden under the labour immigration framework applied for asylum, often right after their entry to the country. This is the case for several thousand Syrians but also some Iraqis (Parusel 2016, 268). While at first this might seem surprising, it reflects a rational behaviour. Residence permits for employment are always temporary at first, and they are – during the first two years of a migrant's stay – always linked to a specific job with a specific employer. An asylum application, by contrast, leads to a permanent and secure status once the applicant is granted a protection status. Therefore, receiving protection means a much safer status than a work permit. As asylum seekers normally have access to the Swedish labour market, a person who lodges an asylum claim may normally keep their job

during the asylum examination process.

Although no newer statistical evaluation of status changes from work to asylum seems to be available, it is very likely that “status changes” from the labour immigration system towards asylum and protection are less frequent today. As Sweden introduced temporary residence permits for refugees and persons in need of subsidiary protection in 2016, the difference between work permits and protection-based permits in terms of duration, reliability and entitlements is not as significant as it was in 2012-2015. Moreover, due to increasing evidence of misuse of the labour immigration system by untrustworthy employers and cases of exploitation and ill-treatment of migrant workers (LO 2013), the Migration Agency introduced stricter requirements for employers in certain misuse-prone industries (Calleman / Herzfeld Olsson 2015a, 24-27).

Immigration for education and training: main nationalities

As pointed out above, the number of third-country nationals who have been granted residence permits for study purposes (including for non-academic education and training) has shifted much over time. This is mainly a result of the introduction of tuition fees for free-mover university students from third countries in 2010. When the tuition fees first came into effect, in 2011, the number of third-country students rapidly fell, but then gradually rose again.

China has been the by far most common nationality among young people coming to Sweden for studies. We can also see that students from other well-developed countries such as the USA, Australia, Japan, Canada or Singapore still come to Sweden for studies despite the fees. In some cases, the number of students has even increased. By contrast, students from less developed nations are not getting access to Sweden to the same degree as before the fees were introduced. This is true, for example, for students from Pakistan, Ethiopia and Thailand (see Table 6).

Table 6: First-time residence permits issued for study purposes, top-20 nationalities, 2009-2018

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009-2018
China	2 705	2 985	1 534	1 732	¹ 840	2 081	2 339	2 327	2 466	2 201	22 210
India	1 305	1 231	356	402	650	917	1 005	1 218	1 577	1 858	10 519
Pakistan	1 842	1 430	202	338	393	635	943	849	952	1 039	8 623
Iran	1 169	1 446	367	461	502	628	543	572	884	937	7 509
USA	766	503	403	536	666	821	804	752	874	772	6 897
Bangladesh	750	937	93	132	162	300	330	350	653	1 029	4 736
Turkey	707	685	520	471	414	386	306	308	395	347	4 539
Canada	413	453	367	385	378	416	420	408	384	361	3 985
Singapore	211	244	292	318	352	385	389	357	416	381	3 345
Australia	301	335	302	360	336	378	316	375	326	296	3 325
South Korea	251	293	313	335	312	351	373	329	330	342	3 229
Russia	353	415	250	272	247	222	246	197	250	221	2 673
Japan	251	239	229	250	233	268	270	252	336	308	2 636
Mexico	228	222	190	173	205	209	201	195	226	213	2 062
Brazil	153	132	118	141	225	301	362	167	202	189	1 990
Ethiopia	262	467	89	107	80	196	122	130	139	113	1 705
Taiwan	109	102	122	123	149	162	185	168	211	204	1 535
Thailand	275	311	84	99	139	120	114	95	106	130	1 473
Ukraine	133	213	125	122	116	117	129	103	108	104	1 270
Indonesia	98	88	58	63	78	126	127	161	146	194	1 139
Other nationalities	2 108	2 214	1 260	1 411	¹ 638	2 187	1 892	2 110	2 435	2 866	20 121
Total	14 390	14 945	7 274	8 231	9 115	11 206	11 416	11 423	13 416	14 105	115 521

Source: Migrationsverket 2019d.

These numbers include accompanying family members.

Immigration for study purposes as an alternative pathway to protection?

In a similar way as for labour migrants, it is interesting to compare the nationalities of individuals who have sought asylum in Sweden during 2009-2018, and the nationalities of people who were granted a residence permit for study purposes during the same period. The overlaps turn out not to be very significant (see Table 7). Out of the twenty top nationalities in each group, only four are represented in both categories; namely Iran, Russia, Ethiopia and Ukraine. They do not rank very high on the list of the most frequent nationalities either, with the exception of Iran. Iranian nationals were the fourth most frequent nationality among international students coming to Sweden in 2009-2018, and number eight among the countries of origin for asylum seekers. This means that the immigration system for students is less accessible for people coming from countries of origin of asylum seekers, than the labour immigration system.

Table 7: Nationality overlaps, immigration for education purposes and asylum, 2009-2018

Residence permits for study purposes	2009-2018	Asylum applicants	2009-2018
China	22 210	Syria	120 586
India	10 519	Afghanistan	66 099
Pakistan	8 623	Somalia	38 411
Iran	7 509	Iraq	38 243
USA	6 897	Eritrea	33 738
Bangladesh	4 736	Stateless	31 149
Turkey	4 539	Serbia	17 525
Canada	3 985	Iran	15 330
Singapore	3 345	Kosovo	10 249
Australia	3 325	Albania	9 559
South Korea	3 229	Russia	7 798
Russia	2 673	Georgia	7 001
Japan	2 636	Mongolia	6 472
Mexico	2 062	Ukraine	5 133
Brazil	1 990	Ethiopia	4 988
Ethiopia	1 705	Bosnia and Herzegovina	4 770
Taiwan	1 535	Morocco	4 445
Thailand	1 473	Macedonia	4 358
Ukraine	1 270	Nigeria	4 213
Indonesia	1 139	Uzbekistan	3 752

Source: Migrationsverket 2019d and 2019c.

Obstacles and barriers to immigration for work and education purposes

Some obstacles when migrating to Sweden are rather obvious, while others have been more difficult to detect. Regarding immigration for studies or training, it is clear, for example, that tuition fees for higher education as well as financial support requirements represent barriers that migrants with little resources cannot surpass without financial help through sponsorship or other contributions. How such barriers could be lowered is quite clear, as for example by offering publicly funded scholarships or study grants, or by relaxing financial support requirements.

Another barrier that several experts interviewed discussed, independent of each other, relates to the question on how employers within Sweden who have vacancies, and people in third countries who consider migrating, can find each other. Job-matching seems to be a good solution, where practical interventions or projects could have positive effects. Third country nationals may not know that there is a suitable vacancy for them at a Swedish company, and a Swedish employer might not be aware of the presence of an interested job-seeker in a third country. While larger companies might have enough resources to use placement services or head-hunters to recruit suitable migrant workers abroad, small businesses may not necessarily be able to afford such investments, especially if the outcome is not guaranteed. Intermediate placement and recruitment companies also incur costs, for the companies in Sweden or the migrant workers, or even for both sides.

From the perspective of job-seekers in third countries, travelling to Sweden to establish personal contacts to potential employers is a big step to take, especially if they are subject to visa requirements. To look for work opportunities in Sweden and – if successful – apply for a work permit from within the country is only possible for migrants who manage to secure a job in a shortage occupation. In all other cases, the main rule is that residence permits have to be applied for, and issued, before a migrant travels to Sweden. Face-to-face contacts between third-country migrants and potential employers are therefore difficult to realise.

The dissemination of targeted information for potential labour migrants or students could be seen as a useful first step to make Sweden known abroad and facilitate contacts. For several years, the Swedish Institute has run the website “Study in Sweden”, which informs about opportunities for studies in Sweden, education providers, and criteria for university admission and residence permits.² It is entirely targeted at people who want to study at bachelor’s, master’s and doctoral level. To find information about opportunities for vocational education or training in Sweden is much more complicated. Since autumn 2018, there is also an online portal providing information aimed at foreign workers, employers, and entrepreneurs who want to migrate to and establish themselves in Sweden (“Working in Sweden”).³ Among other features, it includes links to vacancy databases where potential immigrants can find open positions. In these databases, however, jobs are predominantly advertised in Swedish which limits their access for non-Swedish speaking audiences.

Another, perhaps more indirect, barrier is that the relatively high inflow of asylum seekers in Sweden during recent years, especially in 2014-2015, has diverted attention and resources (administrative, political, financial, conceptual) from addressing and reforming provisions and practices for other migration channels, such as migration for work and education purposes. The asylum and reception crisis, as briefly outlined in Chapter 2, created administrative burdens and bottlenecks at the Swedish Migration Agency and other public bodies (e.g., law enforcement agencies, welfare structures, municipal authorities). Furthermore, the Government Offices were kept busy in terms of developing legislation and non-legislative measures to reduce the number of asylum seekers and their family members. At the Swedish Migration Agency, a large public body with administrative responsibility for all types of immigration, the asylum situation led to a reprioritisation of operations, which temporarily diverted resources away from the processing of legal migration cases towards the handling of asylum procedures. While the size of the Agency and its comprehensive portfolio is an asset, making it possible to quickly shift internal resources to those operations where the need is greatest, it is also a liability, as reprioritisation can have negative consequences for procedures that, at a given point in time, do not seem prioritised. Among the experts interviewed in the

course of the study, no one mentioned a need for institutional reforms in the sense that certain responsibilities should be transferred from one public body to another, or that a new one needed to be established. Several experts noted, however, that the political climate at the time of conducting this study was not favourable for the testing or introduction of new approaches to immigration that could be understood as leading to more foreign nationals coming to Sweden. Thus, the arrival of large numbers of asylum seekers in 2014 and 2015 represented a systemic shock that might still hinder reforms.

Endnotes Chapter 6

¹ "Protection rate" in this context refers to the share of positive asylum decisions in relation to all asylum decisions taken for the respective nationality. Asylum seekers who were not considered to fall under the responsibility of Sweden ("Dublin"-cases) and cases that were closed without a decision are not included in the calculation of the protection rate.

² <https://studyinsweden.se/>.

³ <https://sweden.se/collection/working-in-sweden>.

7. Conclusions and policy options

The primary research question for this report was how accessible Sweden is for migrants who do not have grounds for asylum but want to migrate to the country for work or study purposes. It also aimed to find out to what extent the existing regulations for immigration for such purposes can serve as safe and orderly alternatives to irregular migration. In the Swedish context, this might be a somewhat new and unusual question, as the existing frameworks for labour immigration and the admission of foreign students have not been developed for the purpose of tackling the problem of irregular migration. Their original rationale is primarily economic, aiming at facilitating for employers the recruitment of the needed workforce from abroad, and at fostering the internationalisation of higher education in order to build strong environments for academic studies and research. However, as it is increasingly acknowledged immigration rules might have other functions or dimensions as well, such as to channel flows that are currently irregular and dangerous towards safer and legal pathways, to promote orderly migration, or to improve cooperation in migration matters between sending and receiving countries, the question is relevant to ask. This Chapter summarises the main findings of the report and offers some ideas for how the performance of the Swedish systems might be improved regarding these new dimensions of policies on legal migration.

The benefits and drawbacks of the Swedish labour immigration system

The Swedish system for labour immigration is internationally known as exceptionally liberal. For companies in Sweden, it provides favourable conditions to quickly fill competence gaps by recruiting workers from abroad with little bureaucratic hur-

dles. For labour migrants, Sweden is generally an attractive destination, not least because the requirements for receiving a work permit are easy to fulfil once they have a job offer from a Swedish employer, and because the rules for the admission of workers are family-friendly. Moreover, in case a permit is issued for one year or longer, third country workers (and their family members) are considered part of the resident population. This gives them access to free language tuition, welfare, health care, and other public services under the same conditions as other residents.

There are several controversial aspects as well, with three main lines of criticism. First, the labour immigration system has been misused by untrustworthy employers. There have been reports about employers paying their migrant workers lower wages and offering poorer working conditions than originally promised. Following the gradual introduction of stricter requirements for some businesses and more checks, this problem appears to be less frequent today than in the early years after the liberalisation of the Swedish labour immigration system. Yet this was still highlighted among some of the experts interviewed for this study. Second, a frequent criticism is that a substantial share of labour immigration takes places in sectors where there is no shortage of domestic labour. This can allegedly lead to competition for jobs among the resident population, newly arrived refugees and their family members, and incoming labour migrants. There are different views in Swedish society and among experts as to how serious this problem is, but trade unions and politicians often mention it and question the principles of the labour immigration system. Third, labour migrants initially have no safe perspectives of a longer-term legal stay in the country because residence and work permits are temporary during the first four years. In cases of irregularities, even minor ones, third-country workers have risked losing their right to stay as their permits can be revoked or not extended.

How accessible is Sweden for workers?

Supposedly, the current regulation of labour immigration to Sweden can, to some extent, be identified as an interesting approach because it does not discriminate with regard to the nationalities, the number, and the skills levels of incoming mi-

grants. As such, it already offers considerable legal migration opportunities for people who might otherwise choose to migrate irregularly and apply for asylum without success. Rather than being based on programmes or schemes for specific groups, the system is “general” in the sense that it offers the same or similar conditions to all potential labour migrants including low-qualified people and people from developing nations and countries affected by crises or conflict. As this study has shown, there are certain overlaps and links between the asylum system and the system for labour immigration. At times, third-country nationals have used job opportunities in Sweden to get legal access to Sweden as labour migrants and then applied for asylum. Vice-versa, rejected asylum seekers have under certain circumstances been able to stay in the country as labour migrants, provided they have been working in Sweden during the asylum procedure. Perhaps unintendedly, the Swedish labour immigration system plays an important role as a safe, alternative migration channel. Although it was not designed for the purpose of opening legal migration opportunities for people who might otherwise migrate irregularly, it does – to some degree – have such a function.

At the same time, there seems to be a relatively low level of ambition in Sweden when it comes to trying new approaches, such as supplementing the overall country-blind framework with labour migration arrangements with specific third countries, organised circular migration schemes, or country-specific systems to match foreign workers with jobs in Sweden. Where employers in Sweden recruit their workers is not a concern of the Swedish government or the law-maker. Their task is self-restricted to offering a legal framework that employers and migrants can use in accordance with their individual needs, possibilities and preferences. This is not necessarily a bad approach. However, considering the perspective of this study, which asks whether labour and study-related immigration can serve as a legal and safe alternative to migrating irregularly and applying for asylum without success, this is not fully satisfactory. Employers do not necessarily look towards countries that are important source countries of irregular migrants. Rather, if they can afford it, they are pragmatic and tend to make use of for-profit recruitment and placement services if they need to recruit from abroad. Recruitment, therefore, happens in countries where such links have been established, e.g., based on per-

sonal networks or through for-profit recruitment agencies, and not necessarily in countries that would be important partners in attempts to address irregular and mixed migration flows to Europe. Government-level bilateral agreements between Sweden and other countries played an important role in earlier periods of systematic recruitment of workers in the 1950s and 1960s but are not used today. There are very few and limited exceptions from this rule, mainly concerning “working holiday agreements”, under which citizens of certain countries, aged between 18 and 30, can apply for a permit that allows them to travel, live and work in Sweden for up to one year.

Despite the continued open and flexible approach to labour immigration, Swedish rules have recently tended to become stricter, more selective and more fragmented. The system for labour immigration and, although to a lower degree, also the admission rules for foreign students, have in practice made it possible for unskilled or low-skilled third-country nationals to obtain legal access to the country. While efforts to curb problems such as exploitation of workers and the admission to universities of young migrants with no real intention to study have reduced certain types of “misuse” or systemic weaknesses, they have also made Sweden less accessible for migrants with little resources and networks.

An interesting “niche” are Sweden’s bilateral “working holiday schemes” for young people from specific third countries. However, the nationalities eligible for working holiday travel are not relevant for the purpose of offering safe alternatives to unsafe migration, as all of them are relatively wealthy democracies, where few people leave to come to Europe irregularly.

Circular migration, which was a prioritised field of study and political conceptualisation until a few years ago, has been made easier. But even in this context, law-makers have limited themselves to providing a legal framework for so-called “spontaneous” or “natural” circular migration. There are so far no official, state-led initiatives for managed circular migration for specific professions or nationalities.

How accessible is Sweden for students?

Immigration for education purposes is generally seen very positively in Sweden, not least as a contribution to the internationalisation of the Swedish higher education system. Universities have invested considerable resources in cooperation with partner institutions in other countries and exchanges of staff and students. However, over time, the proportion of students from developing countries has subsided while a larger share of students now come from countries with similar levels of economic development and wealth as Sweden. This study found that by far, most education-related residence permits are granted for academic studies at universities and university colleges, for doctoral studies, and to international students' accompanying family members. The extent to which permits are also issued for vocational education, training and other types of studies (e.g., studies at upper secondary level or folk high schools) is much smaller, and third-country nationals who apply for such non-academic studies are very often rejected. It is likely that other countries in Europe have more established and more popular structures for vocational education and training as Sweden, where such education is predominantly school-based. But this means that overall, the Swedish rules for incoming students are attractive mainly for an international elite and not so much for young people from poorer countries who put their hopes into getting an education abroad to build a better future.

Can Sweden build on its international commitments regarding refugees?

As regards the development of common EU legislation on legal migration for work and studies, Sweden has often played a relatively reluctant or “preservative” role. A general approach has been to limit the impact of EU legal migration directives, such as the Blue Card Directive or the Directive on seasonal workers, on the existing national systems. EU initiatives in this respect have not been considered particularly useful for Sweden.

When it comes to migration for humanitarian purposes, asylum, resettlement and protection, almost the opposite is true. Sweden has actively promoted responsibility-sharing for asylum seekers in Europe. It has advocated for an expansion of resettlement systems for refugees, and eagerly participated in an intra-EU relocation mechanism for asylum seekers (once a temporary suspension of Sweden's obligations under the EU emergency relocation schemes ended). It has taken pride in being one of the major resettlement countries for refugees in Europe and, in fact, world-wide. Each year, the Migration Agency decides – in consultation with the UNHCR and the Swedish Ministry of Justice – how to allocate the resettlement quota in terms of geographical and humanitarian priorities. In principle, the active role Sweden has played in this context for a long time could spill over to more intensive participation in conceptual work regarding pathways of admission that are not protection-related, such as immigration for work, study and training reasons.

It is still too early to say how Sweden will position itself towards EU-initiatives to develop pilot projects on legal migration with selected partner countries in North or Sub-Saharan Africa, or other regions, under frameworks such as mobility partnerships or migration partnership initiatives. So far, it has acted rather cautiously in this area. In part, this is certainly since the primary purpose of labour immigration regulations is to enable employers with a need for workers to quickly fill such labour shortages by recruiting from abroad. The labour immigration system was not designed to serve as a legal alternative to irregular migration or to help address broader migration policy challenges, such as mixed migration and partnerships with selected third countries. Likewise, the admission of foreign students is mostly seen as supporting the internationalisation of higher education and research environments in Sweden – and not so much as a way to provide young people in poorer parts of the world an opportunity to migrate.

Policy options

Resulting from these observations and following the research question for this report, we can ask ourselves what possibilities might be available, on the basis of the existing Swedish frameworks for labour and education-related immigration, to

make Sweden more accessible for migrants who travel irregularly and apply for asylum without having a realistic chance to receive protection. A few ideas for possible reforms are outlined below. They mainly suggest that it could be useful to supplement Sweden's liberal, country-blind approach to recruiting foreign workers with targeted initiatives and arrangements with relevant third countries.

To be clear, the policy options presented below do not intend to address the question of what legal pathways exist for refugees and other people in need of protection, or how legal access to asylum could be improved for this group. As topical and relevant as this question certainly is, the intention of this report is not to propose improvements to existing asylum and protection systems. Nor is it to argue that giving people in need of protection access as workers or students might be better than granting them asylum or offering them resettlement. Instead, the policy options presented here only address access to Sweden for people who are *not* in need of protection in accordance with the Swedish interpretation of the Refugee Convention and international as well as European asylum and humanitarian law. Thus, the perspective is not a humanitarian one.

Another guiding principle for the policy options below is that these are based on the assumption that the intended main goals and operating principles of the Swedish labour immigration framework and the regulations for admitting foreign students are kept intact. This allows for employers to quickly recruit the foreign workers they need, and to support the internationalisation of higher education in Sweden, respectively. There is no reason to argue that these goals should change, or that the frameworks for labour and education-related immigration should be transformed into instruments for receiving migrants for humanitarian purposes. Rather than this, the underlying logic is that the existing frameworks can be complemented or further developed so that they can, *in addition to* their original purpose and functions, also speak to broader migration policy goals. Examples of these are the goal of channelling unsafe and irregular migration towards legal pathways, addressing the root causes of irregular migration, or building cooperation and partnerships between sending and receiving countries of migrants to address migratory challenges in a more comprehensive manner, including readmission and return.

Acknowledging that such additional purposes are relevant does not mean that the existing frameworks' primary goals should be compromised in the sense that a poorer performance of these frameworks should be accepted as a consequence of adapting them to new expectations or considerations.

Last but not least, an important aspect is how any reform proposals would fit into the broader context of current migration, asylum and integration policies in Sweden. As shown in Chapter 4, these policies have lately been dominated by attempts to reduce migration, notably the number of asylum seekers and their family members. Consequently, any major steps of reform that may lead to expanded migration opportunities (even though in this study these mainly concern labour migrants and international students) might appear unrealistic and controversial. It should be observed, however, that the policy options outlined below do not automatically mean that the number of people admitted to Sweden for work or study purposes would radically increase. The reform proposals aim at making the existing admission systems more responsive to the idea of offering legal alternatives to irregular migration; they do not suggest that more migration is generally better than lower or unchanged quantitative levels. Nonetheless, it is of course also relevant to ask under what circumstances a quantitative expansion of legal migration could be a viable and justifiable political goal. For example, the acceptance of migration might improve if labour immigration is better linked to labour shortages in Sweden, and if negative effects on wage levels and working conditions as well as exploitation and unfair treatment could be avoided or at least reduced. When it comes to integration, the entry and stay in Sweden of migrants who arrive for work or study purposes should not be overly problematic as they normally have a job or are enrolled for studies from the beginning of their stay. Labour market participation, economic activity or participation in education are generally seen as very important indicators of integration into Swedish society. Still, regardless of whether Sweden moves to offer more legal migration pathways, it certainly needs to continue to address the problem of unemployment and lower levels of economic activity among newcomers and other beneficiaries of protection as well as their family members. If the integration of this group is seen as unsuccessful, this can produce negative attitudes to immigration in general. The acceptance in society of widened legal entry pathways

is also likely to remain limited as long as the Swedish welfare system, schools, healthcare providers and the law enforcement system struggle to cope with the recent growth of the Swedish population.

- **Job-matching, pre-arrival training and job-seeker visas**

As mentioned in Chapters 5.7 and 6.5, and brought up by experts interviewed for this study, the matching of suitable workers in third countries with employers in Sweden who have vacancies is not fully satisfactory today and could be improved. Employers, in particular smaller companies, find it difficult to know where to look for suitable foreign workforce and how to get in touch with interested candidates. Likewise, potential migrants abroad do not necessarily know where and how to find an employer that might be interested in what they have to offer. One option to improve this would be to familiarise Swedish employers with labour markets in relevant third countries and to establish matching services for companies in Sweden to get in touch with potentially interested work migrants abroad. This could be done in several different ways, such as through internet-based tools or via representations of Swedish companies, employers' associations, Swedish embassies and consulates, and/or the Public Employment Service in selected third countries. Priority could be given to countries in where many people leave to migrate to Europe and Sweden irregularly. Ideally, matching services would include bilateral contacts at government level to address any concerns third country governments might have, e.g., over the risk of a brain drain. Matching services that involve public institutions, contacts between governments and state agencies can produce positive side effects in terms of facilitating dialogue and cooperation between Sweden and the respective partner country on broader migration issues, such as the prevention of irregular migration and the return of irregular migrants.

In connection to matching services, or as a separate strategy, efforts could also be made to prepare job-seekers in third-countries for employment in shortage occupations in Sweden, by providing relevant vocational and language training before or after admission to Sweden, or at both stages. This could follow the “skills partnership” approach, as mentioned in Section 2.3.2, and be tested on a small-scale pilot-basis with a selected country that is also a source country of irregular migration

on the one side, and Swedish employers with a need for qualified foreign labour on the other side. The job-seekers who would benefit from such training could acquire skills that would be useful for them even if they eventually decide not to migrate, or if they want to move back to their country of origin or onwards after a work experience in Sweden, which can be positive also from a development perspective. A few interesting examples from other European countries (notably Germany and Italy working with Serbia, Bosnia and Herzegovina, Vietnam, Tunisia, Morocco and other countries on skills partnerships in areas such as health care, nursing and jobs in hotels and restaurants) are presented in the comparative report to which this Swedish case study contributes (SVR Research Unit/MPI Europe 2019, 43-47). Although this might not have been tested yet, an innovative and potentially promising idea could be to involve diaspora groups in Sweden into job-matching and training initiatives. Sweden has several well-established diasporas, which also include business owners and entrepreneurs, such as the Iraqi or Somali diasporas. This approach could yield benefits in terms of addressing labour needs in Sweden, but also strengthen transnational links, open a safe alternative to irregular migration, and contribute to development in countries of origin.

In the absence of workable matching services, or in addition to them, Sweden could also consider making it easier for potential work migrants with qualifications for shortage occupations to visit Sweden and establish contacts to employers from within the country. A special visa for job-seeking could be created to this end. As described in Section 5.5.9, it is already possible for certain job-seekers who travel on short-term visas to meet employers in Sweden and apply for a work permit from within the country, but the respective conditions are strict, and this opportunity is seldom used.

- **Facilitated access to studies and training**

The introduction of tuition fees has reduced the number of incoming students from developing countries, some of which are important source countries of irregular migration to Europe (see Sections 5.6.1 and 6.4). To enhance or widen legal pathways to studies in Sweden, more scholarships, funded exchange programmes and bilateral cooperation could help counterbalance the effect of the introduction of tui-

tion fees for university studies in Sweden. The idea behind this proposal is to broaden the admission of students to Swedish higher education institutions in terms of students' countries of origin, strengthen contacts between Sweden and relevant third-countries, facilitate the transfer of knowledge and skills, and to provide young people a legal pathway as an alternative to irregular migration. The implications of such steps are mainly budgetary, as they would require more public spending on scholarships and funding for higher education. Changes to the existing legal system would not be needed as various scholarship and exchange programmes have existed for a long time.

More attention could also be devoted to admission options for education other than academic studies, such as vocational training or courses at folk high schools. A main barrier concerning non-academic studies in Sweden is the financial support requirement (see Section 5.6.4), which closes this route to many potential young migrants from poorer countries. Sponsorship by private, public or corporate institutions could be explored, especially if the admission of students and trainees can be linked to degrees or vocational qualifications that lead to professions which are scarce in Sweden. This initiative would require initial investments by public and/or private actors and probably also amendments to some of the rules governing access to Sweden for non-academic studies. This could pay off once a beneficiary starts working in a shortage occupation in Sweden. If the young person leaves Sweden again, the skills acquired can be used elsewhere. This idea has therefore a development dimension as well.

- **Bilateral cooperation as a complement to the current country-blind framework**

More generally, bilateral cooperation on the admission of third-country workers and young people for study or training purposes might be a useful strategic complement to the existing "country-blind" framework. Under the current liberal labour migration system, which delegates the power to recruit from abroad to employers, strategic choices of countries to cooperate with at government level might appear unusual, difficult and even controversial. Many countries in Europe take a more hands-on approach. This could be useful from a migration management perspective, if – for example – the admission of workers, students or trainees from a specific country

also facilitates bilateral cooperation in terms of preventing irregular migration and facilitating the return of irregular migrants. For example, Germany has had a successful targeted migration strategy for the Western Balkan countries. In the recent past, many people from these countries have applied for asylum in Germany without success. The German government has tried to close this route while at the same time facilitating the entry and stay of nationals of the Western Balkan countries for work in low-skilled jobs (SVR Research Unit/MPI Europe 2019, 42-43). Other countries in Europe have adopted comparable approaches or offer labour migrants from specific countries preferential access to jobs in combination with development cooperation with these countries and/or broader dialogues or agreements on migration management (SVR Research Unit/MPI Europe 2019, 39-43).

As far as migration for education purposes is concerned, higher education institutions in Sweden already have many international cooperation arrangements and exchange programmes with partner institutions abroad, and the choice of international partners is theirs. They could still be encouraged to work more with developing nations concerning the exchange of students and staff. At a government level, Sweden already has signed around 20 bilateral cooperation agreements in the areas of research and education, both with European partner countries and countries in other world regions (Migrationsverket 2019e, 35-36). Their practical use in terms of mobility of students, staff and researchers seems to be rather limited, and it has been suggested that they should become more concrete (Utredningen om ökad internationalisering av universitet och högskolor 2018a, 239-241). Public scholarships could also be expanded and made available for students from countries where partnerships appear useful from a migration policy perspective, i.e. where legal migration opportunities for academic studies could help reduce migration pressures, facilitate dialogue on broader migration challenges, and contribute to development goals by enhancing the transnational exchange of knowledge, experiences and skills.

Moreover, it could be analysed whether Sweden's existing "working holiday schemes" for young people from certain countries, as discussed in Section 5.5.7, could serve as a blueprint for similar arrangements with further countries, as an

organised type of temporary or circular migration with both a work and a cultural exchange perspective. Young people who come to Sweden temporarily may gather valuable experiences and make connections to Swedish education providers and/or employers while in the country, and may later come back as students, trainees or workers. A pilot scheme for a relevant country of strategic importance to Sweden and/or the EU could be developed and tested. To limit risks, a quantitative quota and/or qualitative selection criteria could be used, at least initially, to control and limit the number of incoming young people travelling and working in Sweden.

Last but not least, more targeted work could also be done regarding the temporary recruitment of seasonal workers from third-countries, building on experiences from the admission of berry pickers from Thailand. Although not managed by the government, there are now well-established contacts between Sweden and Thailand that have facilitated circular labour mobility while gradually reducing the Thai migrants' risks and vulnerabilities (see Section 5.5.6). As the statistical analysis of work permits in the report has shown, seasonal workers are also needed in other sectors, such as forestry, agriculture or tourism. Bilateral partnerships that satisfy short-term labour needs could be tested with countries where many people want to leave for temporary economic opportunities in Europe.

Further research, analysis and impact assessments

Overall, the policy options outlined here are explorative. Their practicalities, impacts and possible risks as well as legal, institutional and administrative requirements to put them in place would certainly need to be specified in more detail before concrete action is taken. This suggests that there is a need for further research, not least of a comparative nature and considering best practices and lessons learned by other countries in Europe.

Therefore, rather than to demand immediate legislative or political action, this report intends to inspire policy-makers, experts and researchers to look at the Swedish regulations for immigration for work and study purposes from a perhaps

still unusual, but increasingly important, and broader, perspective. The Swedish frameworks for labour and education-related migration have primarily been developed for domestic economic reasons. However, these have wider dimensions and impacts as well – not least with regard to addressing the challenges of irregular, unsafe and mixed migration, promoting legal migration opportunities as an alternative to irregular and dangerous routes, and establishing partnerships between sending and receiving countries to deal with migration in a mutually beneficial way.

References

- Alipor, S./Ljungberg, A (2018): "Studenter från fattiga länder minskar i Sverige". *Sveriges Radio*, 28 May. <https://sverigesradio.se/sida/artikel.aspx?program-id=83&artikel=6963048>. Accessed 22 February 2019.
- Arbetsförmedlingen (2018): *Arbetsmarknadsutsikterna våren 2018 - Prognos för arbetsmarknaden 2018-2019*. Stockholm.
- Ayalew Mengiste, T./Olsson, E. (2019): Från Afrikas horn till Sverige - Smuggling, informella nätverk och diasporans engagemang, Delmi Rapport 2019:2. Delegationen för migrationsstudier. Stockholm.
- Belmonte, M. (2015): *The EU Blue Card - is there a need for a more comprehensive approach?* IES Policy Brief 2015/3. Brussels.
- Berg, A./Karlsson, P. (2018): 'Vår nästa rekrytering gör vi i Indien' – förslag för bättre fungerande arbetskraftsinvandring. Svenskt Näringsliv. Stockholm.
- Berg, L./Spehar, A. (2013): "Swimming against the tide: why Sweden supports increased labour mobility within and from outside the EU". *Policy Studies*, 34:2, 142-161.
- Betts, A. (2017): "Resettlement: where's the evidence, what's the strategy?" *Forced Migration Review* 54, 73-75.
- Bevelander, P. /Emilsson, H. (2014): "Sverige och arbetskraftsinvandringen". In: Bevelander, P. / Emilsson, H. / Magnusson, K. / Osanami Törngren, S.: *Världens öppnaste land – arbetskraftsinvandring efter reformen 2008*. Fores Studie 2014:1. Stockholm, 1-22.
- Billström, T./Forsell, J. (2017): "M värnar asylrätten och människors rätt till skydd". *Dagens Nyheter*, 18 October 2017.

- Boräng, F./Cerna, L. (2019): "Constrained Politics: Labour Market Actors, Political Parties and Swedish Labour Immigration Policy". *Government and Opposition*, 54(1), 121-144.
- Calleman, C. (2015): "Byta spår - Ett nålsöga mellan asyl och arbete". In: Calleman C. / Herzfeld Olsson, P.: *Arbetskraft från hela världen*. Delmi Rapport 2015:9. Delegationen för migrationsstudier. Stockholm, 290-330."
- Calleman, C. / Herzfeld Olsson, P. (2015a): "Inledning". In: Calleman C. / Herzfeld Olsson, P.: *Arbetskraft från hela världen*. Delmi Rapport 2015:9. Delegationen för migrationsstudier. Stockholm, 2-39.
- Calleman, C. / Herzfeld Olsson, P. (2015b): "Avslutande reflektioner". In: Calleman C. / Herzfeld Olsson, P.: *Arbetskraft från hela världen*. Delmi Rapport 2015:9. Delegationen för migrationsstudier. Stockholm, 500-526.
- Castles, S. (2004): "Why migration policies fail". *Ethnic and Racial Studies* 27/2, 205-227.
- Cedefop (2018): *Developments in vocational education and training policy in 2015-17: Sweden*. European Centre for the Development of Vocational Training.
- Clemens, M. (2014): "Global Skill Partnerships: a proposal for technical training in a mobile world". *CGD Policy Paper* 040. Center for Global Development. Washington D.C.
- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research
- Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment
- Crawley, H. / Skleparis, D. (2018): "Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe's 'migration crisis'". *Journal of Ethnic and Migration Studies* 44:1, 48-64.
- Cooper, R. (2019): *Legal Pathways' Effects on Irregular Migration*. K4D Helpdesk Report. Brighton: Institute of Development Studies.
- De Haas, H. (2011): "The determinants of international migration: Conceptualizing

policy, origin and destination effects". *IMI Working Papers*. Oxford: International Migration Institute, University of Oxford.

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer

Dumont, J.-C. / Chaloff, J. (2018): "What would make Global Skills Partnerships work in practice?" *Migration Policy Debates* 15. OECD Publishing. Paris.

Emilsson, H. (2014): "Arbetskraftsinvandarna och deras arbetsmarknadsställning". In: Bevelander, P. / Emilsson, H. / Magnusson, K. / Osanami Törngren, S.: *Världens öppnaste land – arbetskraftsinvandring efter reformen 2008*. Fores Studie 2014:1. Stockholm, 39-73.

Emilsson H. (2018): *Continuity or change? The refugee crisis and the end of Swedish exceptionalism*. MIM Working Paper Series 18:3. Malmö University.

European Border and Coast Guard Agency – Frontex (2018): *Risk Analysis for 2018*. Warsaw.

European Border and Coast Guard Agency – Frontex (2019): *Risk Analysis for 2019*. Warsaw.

European Commission – EC (2011): *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The Global Approach to Migration and Mobility*. COM (2011) 743 final. Brussels.

European Commission – EC (2015): *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration*. COM (2015) 240 final. Brussels.

European Commission – EC (2016): *Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration*. COM (2016) 385 final. Brussels.

European Commission – EC (2017): *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Delivery of the European Agenda on Migration*. COM (2017) 558 final. Brussels.

European Council (2018): *European Council conclusions*. 28 June 2018.

European Migration Network – EMN (2015): *Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy and use of readmission agreements between Member States and third countries*. Synthesis report for the EMN Focussed Study 2014. Brussels.

European Migration Network – EMN (2016): *Changes in immigration status and purpose of stay: an overview of EU Member States' approaches*. Synthesis Report for the EMN Focussed Study 2015. Brussels.

European Migration Network – EMN (2018): *EMN Ad-Hoc Query on Ad-hoc query on international protection to Georgian nationals*.

Eurostat (2019a): *First permits by reason, length of validity and citizenship* [migr_resfirst]. Last update: 28 October 2019. Accessed: 28 October 2019.

Eurostat (2019b): *First instance decisions on applications by citizenship, age and sex Annual aggregated data (rounded)*. Last update: 15 October 2019. Accessed: 28 October 2019.

Eurostat (2019c): *Third country nationals found to be illegally present - annual data (rounded)* [migr_eipre]. Last update: 23 August 2019. Accessed: 28 October 2019.

Eurostat (2019d): *EU Blue Cards by type of decision, occupation and citizenship* [migr_resbc1]. Last update: 10 September 2019. Accessed: 30 October 2019.

Eurostat (2019e): *First permits issued for remunerated activities by reason, length of validity and citizenship* [migr_resocc]. Last update: 22 October 2019. Accessed: 30 October 2019.

Fratzke, S. (2017): *Weathering Crisis, Forging Ahead: Swedish Asylum and Integration Policy*. Migration Policy Institute. Washington D.C. <https://www.migrationpolicy.org/research/weathering-crisis-forging-ahead-swedish-asylum-and-integration-policy>

Frödin, O. / Kjellberg, A. (2015): "Arbetskraftsinvandring från tredje land i restaurang- och städbranscherna". In: Calleman C. / Herzfeld Olsson, P.: *Arbetskraft från hela världen*. Delmi Rapport 2015:9. Delegationen för Migrationsstudier. Stockholm, 150-199.

Gest, J. / Boucher, A. / Challen, S. / Burgoon, B. / Thielemann, E./ Beine, M. / McGovern, P. / Crock, M. / Papoport, H. / Hiscox, M. (2014): "Measuring and Comparing Immigration Policies Globally: Challenges and Solutions". *Global Policy* 5 (3), 1-14.

Global Forum on Migration and Development, (n.d.): <https://gfmdd.org>. Accessed: 29 January 2020.

Government Offices of Sweden (2018): *Sweden's migration and asylum policy*. Fact Sheet. Stockholm: Ministry of Justice. <https://www.regeringen.se/491b2f/contentassets/fff24bc295e44d83b5490ecc3c57688f/swedens-migration-and-asylum-policy>. Accessed: 14 January 2019.

Hedberg, C. (2015): "Thailändska bärplockare – hushållsstrategier på en global arbetsmarknad". In: Calleman C./Herzfeld Olsson, P.: *Arbetskraft från hela världen*. Delmi Rapport 2015:9. Delegationen för Migrationsstudier. Stockholm, 114-149.

Herzfeld Olsson, P. (2018): "Towards Protection of Vulnerable Labour Migrants in Sweden: The Case of the Thai Berry Pickers". In: de Lange, T./Rijken, C. (eds): *Towards a Decent Labour Market for Low-Waged Migrant Workers*. Amsterdam University Press, 149-167.

Hooper, K. (2019): *Exploring New Legal Migration Pathways: Lessons from Pilot Projects*. Migration Policy Institute. Washington D.C.

Iben Jensen, U. (2014): *Humanitarian Visas: Option or obligation?* Study for the LIBE Committee. European Parliament. Brussels.

International Organization for Migration – IOM (2008): *Challenges of Irregular Migration: Addressing Mixed Migration Flows*. Discussion Note, ninety-sixth session, International Dialogue on Migration 2008.

International Organization for Migration – IOM (2019): *Fatal Journeys Volume 4: Missing Migrant Children*. Geneva.

Joyce, Patrick (2019): *Arbetskraftsinvandring – Vägar framåt*. Fores / Ratio. Stockholm.

Kjeldstadli, K. (2011): 'Northern Europe: Denmark, Norway, Sweden, Finland', in Bade, K. J. / Emmer, P. C. / Lucassen, L. / Oltmer, J. (eds.), *Encyclopedia of Migration in Europe from the 17th Century to the Present*. Cambridge University Press. Cambridge, 5-12.

Kolb, H. (2017): "From Brakeman to Booster: Policy change in Germany's EU Labour Migration Policy". *International Migration*, 55, 11-21.

Kommittén för arbetskraftsinvandring - KAKI (2006): *Arbetskraftsinvandring till Sverige – förslag och konsekvenser*. Slutbetänkande av Kommittén för arbetskraftsinvandring. Statens Offentliga Utredningar SOU 2006:87. Stockholm.

Kommittén för cirkulär migration och utveckling – CIMU (2010): *Cirkulär migration och utveckling – kartläggning av cirkulära rörelsemönster och diskussion om hur migrationens utvecklingspotential kan främjas*. Delbetänkande, SOU 2010:40. Stockholm.

Kommittén för cirkulär migration och utveckling – CIMU (2011): *Cirkulär migration och utveckling – förslag och framåtblick*. Slutbetänkande, SOU 2011:28. Stockholm.

- Koser, K. / Martin, S. (2011): "The Migration-Displacement Nexus". In Koser, K. / Martin, S. (eds): *The Migration-Displacement Nexus: Patterns, Processes and Policies*. Oxford: Berghahn Books, 1-13.
- Kumin, J. (2014): "The challenge of mixed migration by sea". *Forced Migration Review* 45, 49-51.
- Landsorganisationen i Sverige – LO (2013): *Fusk och utnyttjande – om avregleringen av arbetskraftsinvandringen*. Stockholm.
- Lindsay, F. (2019): "Why Sweden Is Deporting High-Skilled Labor Migrants". *Forbes*, 13 February.
- Long, Katy (2015): *From Refugee to Migrant? Labor Mobility's Protection Potential*. Migration Policy Institute. Washington, DC.
- Mercator Dialogue on Asylum and Migration – MEDAM (2018): *2018 MEDAM Assessment Report on Asylum and Migration Policies in Europe*. Kiel Institute for the World Economy. Kiel.
- Migrationsverket (2012): *Immigration of International Students to Sweden*. Report from EMN Sweden 2012:1.
- Migrationsverket (2015a): *Determining labour shortages and the need for labour migration from third countries in the EU: Sweden*. Report from EMN Sweden 2015:1.
- Migrationsverket (2015b): *Admitting third-country nationals for business purposes – Sweden*. Report from EMN Sweden 2014:4.
- Migrationsverket (2015c): *EMN Policy Report Sweden 2014*.
- Migrationsverket (2016): *EMN Policy Report Sweden 2015*.
- Migrationsverket (2017): *The changing influx of asylum seekers in 2014-2016: Member States' responses - Country Report Sweden*. Report from EMN Sweden 2017:3.
- Migrationsverket (2018a): *EMN Annual Report on Migration and Asylum 2017 – Sweden*.

Migrationsverket (2018b): *Det totala antalet asylsökande 2014, 2015, 2016, 2017 och 2018*. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html>. Accessed: 21 November 2018.

Migrationsverket (2018c): *Migrationsverkets föreskrifter om förteckning över slag av arbeten inom vilka det finns stor efterfrågan på arbetskraft*. MIGRFS 2018:04. Norrköping.

Migrationsverket (2018d): *Work permit for employees and citizens of non-EU countries*. <https://www.migrationsverket.se/English/Private-individuals/Working-in-Sweden/Employed.html>. Accessed: 10 January 2019.

Migrationsverket (2018e): *Work permits for seasonal work*. <https://www.migrationsverket.se/English/Private-individuals/Working-in-Sweden/Employed/Special-rules-for-certain-occupations-and-citizens-of-certain-countries/Seasonal-work.html>. Accessed: 11 January 2019.

Migrationsverket (2018f): *Årsredovisning 2017*. Norrköping.

Migrationsverket (2019a): *Statistik Arbete*. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Arbete.html>. Accessed: 30 October 2019.

Migrationsverket (2019b): *Handbok i migrationsärenden*. Version of 6 February 2019.

Migrationsverket (2019c): *Statistik Asyl*. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html>. Accessed: 31 October 2019.

Migrationsverket (2019d): *Beviljade uppehållstillstånd efter grund 2009-2018*. <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Beviljade-uppehållstillstand-oversikter.html>. Accessed: 31 October 2019.

Migrationsverket (2019e): *Attracting and retaining international students in the EU – Country Report Sweden*. Report from EMN Sweden 2018:3.

Murphy, T. C. (2014): "Mixed migration: Assessing the issues and implementing an effective humanitarian response". *Migration Policy Practice* IV/3, 23-27.

- Neumayer, E. (2004): "Asylum Destination Choice - What Makes Some West European Countries More Attractive Than Others?" *European Union Politics* 5(2), 155-180.
- Neville, D. / Rigon, A. (2016): *Towards an EU humanitarian visa scheme?* European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs.
- Organisation for Economic Co-operation and Development – OECD (2011): *Recruiting Immigrant Workers – Sweden*. Paris: OECD Publishing.
- Organisation for Economic Co-operation and Development – OECD (2016): *Working together – Skills and Labour Market Integration of Immigrants and their Children in Sweden*. Paris: OECD Publishing.
- Organisation for Economic Co-operation and Development / United Nations High Commissioner for Refugees – OECD/UNHCR (2019): *Safe Pathways for Refugees. OECD-UNHCR Study on third country solutions for refugees: family reunification, study programmes and labour mobility*.
- Olofsson, J./Thunqvist, D.P. (2014): *The Swedish model of vocational education and training – establishment, recent changes and future challenges*. Nord-VET research report. Roskilde: Roskilde University.
- Orrenius, P.M./Zavodny, M. (2016): *Irregular immigration in the European Union*. Working Paper 1603. Research Department, Federal Reserve Bank of Dallas.
- Ostling, A. (2013): *An overview of Highly-Skilled Labour Migration in Sweden with a Special Focus on Indian Nationals*. CARIM-India Research Report 2013/35. Robert Schuman Centre for Advanced Studies, European University Institute. San Domenico di Fiesole.
- Parusel, B. (2015): Lessons from Sweden. In: Bertelsmann Stiftung (ed.): *A Fair Deal on Talent – Fostering Just Migration Governance*. Bertelsmann Stiftung. Gütersloh, 145-152.
- Parusel, B. (2016): "Can immigration status changes prevent irregular migration? Experiences from Sweden". In: Becerril Atienza, B. / Parejo Gamir J. A. / Sanchez Alonso, B. (eds.): *Migración y asilo: nuevos retos y oportunidades para Europa*. Thomson Reuters Aranzadi. Cizur Menor, 249-277.

- Parusel, B. (2017a): "The Swedish U-turn on asylum and its consequences". In: Hilz, W. and Saracino, D.: *Nordic Perspectives on the European Asylum System*. Tectum Verlag. Baden-Baden, 63-83.
- Parusel, B. (2017b): „Circular migration and the need to define and measure it“. *Migration Policy Practice*, VII/2, 38-43. <http://www.eurasyllum.org/wp-content/uploads/2017/08/MPP-30.pdf>. Accessed: 13 January 2019.
- Parusel, B. (2018): „Spurwechsel für abgelehnte Asylsuchende – warum und wie?“. *Fluchtforschungsblog*, 19 September 2018. <https://fluechtlingsforschung.net/spurwechsel-fur-abgelehnte-asylsuchende-warum-und-wie/>. Accessed: 13 January 2019.
- Pelling, L. (2015): Fristad Sverige? Om skyddssökande arbetskraftsinvandrares villkor. In: Calleman C./Herzfeld Olsson, P.: *Arbetskraft från hela världen*. Delmi Rapport 2015:9. Delegationen för Migrationsstudier. Stockholm, 244-289.
- Premfors, R. (1983): "Governmental Commissions in Sweden". *American Behavioral Scientist*, 26 (5), 623-642.
- Regeringskansliet (2005): *Ny värld, ny högskola*. Proposition 2004/05:162. Stockholm.
- Regeringskansliet (2008): *Nya regler för arbetskraftsinvandring*. Proposition 2007/08:147. Stockholm.
- Regeringskansliet (2013): *Delegationen för migrationsstudier*. Kommittédirektiv Dir. 2013:102. Stockholm.
- Regeringskansliet (2014): *Cirkulär migration och utveckling*. Proposition 2013/14:213. Stockholm.
- Regeringskansliet/Utrikesdepartementet (2016): *Regleringsbrev för budgetåret 2017 avseende Styrelsen för internationellt utvecklingssamarbete*. Stockholm.
- Regeringskansliet/Justitiedepartementet (2016): *Lagliga vägar för att söka asyl i EU*. Kommittédirektiv Dir. 2016:8. Stockholm.
- Regeringskansliet/Justitiedepartementet (2017): *Ett effektivt och flexibelt system för arbetskraftsinvandring*. Promemoria Ds 2007:27. Stockholm.

- Regeringskansliet (2018): *Genomförande av säsongsanställningsdirektivet*. Proposition 2017/18:108. Stockholm.
- Rehbinder, C. (2019): *Rörlighet i väntan på arbetstillstånd*. Briefing Paper 19. Timbro. Stockholm.
- Riksrevisionen (2016): *Ett välfungerande system för arbetskraftsinvandring?* RIR 2016:32. Stockholm.
- Ruist, J. (2015): "Forskare: Överge FN:s flyktingkonvention". *Svenska Dagbladet*, 8 September 2015.
- Socialdemokraterna (2018): *En trygg migrationspolitik för en ny tid*. https://www.socialdemokraterna.se/globalassets/aktuellt/presspm_180503.pdf. Accessed 17 February 2019.
- Socialdemokraterna (2019): *Utkast till sakpolitisk överenskommelse mellan Socialdemokraterna, Centerpartiet, Liberalerna och Miljöpartiet de gröna*. <https://www.socialdemokraterna.se/globalassets/aktuellt/utkast-till-sakpolitisk-overenskommelse.pdf>. Accessed 17 February 2019.
- Statistiska centralbyrån – SCB (2019): *Befolkningsstatistik i sammandrag 1960-2018*. <https://www.scb.se/hitta-statistik/statistik-efter-amne/befolkning/befolkningens-sammansattning/befolkningsstatistik/pong/tabell-och-diagram/helarsstatistik--riket/befolkningsstatistik-i-sammandrag/>. Accessed 27 October 2019.
- Statistiska Centralbyrån – SCB (2018): *Arbetskraftsbarometern 2018 – Vilka utbildningar ger jobb?* Stockholm/Örebro.
- Study in Sweden, (n.d.): <https://studyinsweden.se>. Accessed: 29 January 2020.
- Styrelsen för internationellt utvecklingssamarbete – SIDA (2018): *Sidas årsredovisning 2017*. Stockholm.
- Svenskt Näringsliv (2018): *'Vår nästa rekrytering gör vi i Indien' – förslag för bättre arbetskraftsinvandring*. Stockholm.
- Swedish Council for Higher Education, (n.d.): <http://www.universityadmissions.se/>. Accessed: 29 January 2020.

Swedish Institute, (n.d.): <https://sweden.se/collection/working-in-sweden>. Accessed: 29 January 2020.

The Expert Council's Research Unit/Migration Policy Institute Europe – SVR Research Unit/MPI Europe (2019): *Legal migration for work and training: Mobility options to Europe for those not in need of protection*. Berlin

The Khartoum Process, (n.d.): <https://www.khartoumprocess.net/>. Accessed: 29 January 2020.

The Rabat Process, (n.d.): <https://www.rabat-process.org/en>. Accessed: 29 January 2020.

Tillväxtanalys (2018): *Konkurrensen om internationell kompetens – Sverige som ett attraktivt land för högt kvalificerade arbetskraftsinvandrare*. PM 2018:14. Östersund.

United Nations (2018a): Global Compact for Safe, Orderly and Regular Migration. Resolution adopted by the General Assembly on 19 December 2018. New York. http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195 (accessed 21 February 2019).

United Nations (2018b): Report of the United Nations High Commissioner for Refugees – Part II: Global compact on refugees. New York. https://www.unhcr.org/gcr/GCR_English.pdf (accessed 21 February 2019).

United Nations High Commissioner for Refugees – UNHCR (2019): Global Trends, Forced Displacement in 2018. Geneva.

Universitetskanslersämbetet (2017): *Higher Education Institutions (HEIs)*. <http://english.uka.se/facts-about-higher-education/higher-education-institutions-heis.html> (accessed 6 January 2019).

Utredningen om lagliga asylvägar (2017): *Lagliga vägar för att söka asyl i EU*. Statens Offentliga Utredningar SOU 2017:103. Stockholm.

Utredningen om migrationsmottagandet (2017): *Att ta emot människor på flykt – Sverige hösten 2015*. Statens Offentliga Utredningar SOU 2017:12. Stockholm.

Utredningen om ökad internationalisering av universitet och högskolor (2018a): *En strategisk agenda för internationalisering*. Statens Offentliga Utredningar SOU 2018:3. Stockholm.

Utredningen om ökad internationalisering av universitet och högskolor (2018b): *Ökad attraktionskraft för kunskapsnationen Sverige*. Statens Offentliga Utredningar SOU 2018:78. Stockholm.

Vespe, M./Natale, F./Pappalardo, L. (2017): "Data sets on irregular migration and irregular migrants in the European Union". *Migration Policy Practice* 7(2), 26-33.

Wingborg, M. (2011): Mors lilla Olle – så exploateras asiatiska bärplockare i de svenska skogarna. Swedwatch rapport 41. http://www.swedwatch.org/wp-content/uploads/2016/12/swedwatch_-_mors_lilla_olle.pdf. Accessed: 10 January 2019.

Appendix 1: List of experts interviewed

Lisa Pelling	<i>Arena idé</i>
Elin Jansson	<i>Government Offices of Sweden, Ministry of Justice</i>
Maria Ferm	<i>Green Party, former head of inquiry commission on legal pathways to protection</i>
Mattias Schulstad	<i>Swedish Trade Union Confederation</i>
Henrik Emilsson	<i>Malmö University</i>
Anna Bartosiewicz and David Lindstrand	<i>Swedish Migration Agency</i>
Rickard Olseke	<i>Swedish Red Cross</i>
Ingela Winter-Norberg	<i>Swedish International Development Cooperation Agency</i>

Interviews were carried out during the period 13 September – 20 December 2018. Most of them took place face to face, but some were held by videoconference, telephone or – in one case – email.

Appendix 2: Participants at expert workshop

Stockholm, 4 December 2018

Petra Herzfeld Olsson	<i>Department of Law, Stockholm University</i>
Rickard Olseke	<i>Swedish Red Cross</i>
Elin Jansson	<i>Government Offices of Sweden, Ministry of Justice</i>
Patrik Karlsson	<i>Confederation of Swedish Enterprise</i>
Camille Le Coz	<i>Migration Policy Institute Europe</i>
Bernd Parusel	<i>Swedish Migration Agency</i>
Lisa Pelling	<i>Arena Idé</i>
Jan Schneider	<i>Expert Council of German Foundations on Integration and Migration</i>
Mattias Schulstad	<i>Swedish Trade Union Confederation</i>
Anna Tillander	<i>Government Offices of Sweden, Ministry of Justice</i>
Alexandra Wilton Wahren	<i>Government Offices of Sweden, Ministry of Finance</i>
Constanza Vera-Larrucea	<i>Swedish Migration Studies Delegation</i>
Caroline Tovatt	<i>Swedish Migration Studies Delegation</i>
Henrik Malm Lindberg	<i>Swedish Migration Studies Delegation</i>
André Asplund	<i>Swedish Migration Studies Delegation</i>
Amanda Wenzer	<i>Swedish Migration Studies Delegation</i>

Appendix 3. Granted asylum 2010-2019

Country	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Syria	97	145	4087	11394	16386	18523	44218	6878	3106	1995	106 829
Afghanistan	1039	2573	2549	2051	1498	1088	3464	9374	2348	429	26 413
Somalia	4531	2271	2065	1684	1161	958	1723	987	565	291	16 236
Iraq	822	909	363	369	438	546	1745	3524	1001	305	10022
Eritrea	900	1195	1272	2529	5256	6542	5995	1734	790	715	26928
Stateless	282	282	282	282	282	282	282	282	282	282	2820
Serbia	41	42	32	30	27	13	17	8	4	3	217
Iran	263	403	353	600	372	182	678	1157	771	424	5203
Kosovo	46	76	46	40	74	60	38	19	9	5	413
Albania	5	14	47	32	19	27	38	7	7	4	2160
Russia	101	78	107	973	226	117	176	52	63	67	1960
Georgia	10	4	1	13	17	15	16	0	5	1	82
Mongolia	15	15	17	31	46	38	66	12	15	8	263
Ukraine	0	4	1	24	32	29	65	28	9	13	205
Ethiopia	65	73	77	132	148	174	662	478	210	88	2107
Bosnia	14	12	6	11	15	4	1	1	2	2	68
Morocco	6	11	10	44	42	32	34	39	19	23	260
Macedonia	8	4	0	8	7	5	5	1	2	0	40
Nigeria	24	27	37	79	86	45	78	45	44	64	529
Uzbekistan	21	43	33	44	52	40	99	48	35	15	430

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, *Arbetskraftsinvandring efter 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 Wimar, 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 (redaktörer).

Policy Brief 2016:4, *Integration och tillit – långsiktiga konsekvenser av den stora invandringen till Norge*. 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*. 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. Susan F. Martin, Rochelle Davis, Grace Benton & Zoya Waliany.

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

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

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

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

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

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

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

Avhandlingsnytt 2018:6, *Barn och migration*, Mehek Muftee, Lisa Ottosson, Gunilla Jarkman Björn, Anna Åhlund, Eva Skowronski och Michael Lindblad.

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

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

Policy Brief 2019:1, "Bridging the Gaps", Martin Ruhs, Kristof Tamas och Joakim Palme.

Rapport and Policy Brief 2019:2, *Smuggling, informella nätverk och diasporans engagemang*, Tekalign Ayalew Mengiste & Erik Olsson.

Rapport and Policy Brief 2019:3, *Thai berry pickers in Sweden*, Charlotta Hedberg, Linn Axelsson and Manolo Abella

Rapport and Policy Brief 2019:4, *Internationella studenter i Sverige*, André Bryntesson & Mikael Börjesson

Research overview 2019:5, *Migration and development – The role for development aid*, Robert E.B. Lucas

Policy Brief 2019:6, *Back to basics – Literacy proficiency, immigration and labour market outcomes in Sweden*, Jon Pareliussen

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

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

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

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

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

Many migrants undertake irregular and dangerous journeys to Europe and then apply for asylum without being able to assert accepted grounds for protection. For years, EU Member States including Sweden have struggled to find solutions to this problem. What alternative, legal pathways, are there for migrants who are not considered in need of protection, such as immigration opportunities for work or studies? This report investigates how accessible the Swedish frameworks for legal migration for work and study purposes currently are and how these could be reformed to channel more migration, that is currently illegal, towards safe and orderly entry pathways. The findings of the report suggest that the preconditions in Sweden to make legal migration pathways accessible for migrants who might otherwise use irregular channels and apply for asylum without success are generally good.

The report is part of a comprehensive, comparative research project, initiated and run by the Research Unit of the Expert Council of German Foundations on Integration and Migration (SVR), in cooperation with the Migration Policy Institute Europe (MPI), and funded by Stiftung Mercator. The project's overall aim is to scrutinise the legal migration frameworks in five EU countries (France, Germany, Italy, Spain and Sweden) and ask how accessible they are for migrants who are not in need of asylum. The Swedish Migration Delegation (Delmi) has actively supported the production of the Swedish contribution to this project and decided to publish an expanded version of the report on Sweden within its own report series.

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.



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