

# STATUS REPORT

**Consequences of the amendment to Sweden's  
Reception of Asylum Seekers and Others Act (LMA)**



The amendment was introduced on the 1st of June 2016. In essence, its effect is that adult asylum seekers who have no children with them and who have had their asylum applications rejected will no longer have an entitlement to accommodation, subsistence allowance and special aid.

Since the introduction of the amendment, Swedish Red Cross has noticed increased disquiet and vulnerability amongst the people concerned.

As a result of the amendment, ever greater numbers of rejected asylum seekers have contacted Swedish Red Cross for support and help. As a part of our constant work to promote humane and worthy reception, as well as to ensure the dignified handling of returnees, we have compiled examples of how the law is affecting the lives of individuals who have made asylum applications.


The purpose of this status report is to crystallise the humanitarian consequences we have noticed following the changes implemented, as of 1 June 2016, in the Reception of Asylum Seekers and Others Act (hereinafter LMA).

Swedish Red Cross has long, local, national and global experience of working with asylum seekers, refugees and migrants. We have reception operations at, and in connection with, some 270 reception centres throughout Sweden.

Our migration advice service receives a large number of calls every year. In 2015, we received 8,259 calls. In 2016, up until the end of September, we received 8,229 calls from asylum seekers, refugees, migrants, legal guardians, municipalities and other bodies.

Via its local presence throughout the country, Swedish Red Cross met many of the people affected by the amendment. These meetings provided the input for this report.

The report makes no claim to give a comprehensive picture. Thus, it cannot serve as a basis for far-reaching generalisations. The case details given here were chosen to illustrate some of the issues encountered.



Sara Revell Ford  
National director, Swedish Red Cross

# Background to the amendment

In essence, the effect of the amendment is that adult asylum seekers who have no children with them and who have had their asylum applications rejected will no longer have an entitlement to accommodation, subsistence allowance and special aid. The amendment

even applies to people who received a rejection or deportation decision before 1 June 2016.

Proposals for amending certain groups' right to aid under LMA were founded on a need for change based on the following:

“ Owing to, amongst other things, several ongoing, serious conflicts in the world around us, the number of asylum seekers coming to Sweden has been at a record high for some time. In the EU, Sweden is one of the countries that, per capita, have recently been receiving the most asylum seekers. Thus, the challenges for Sweden's asylum system have been very great. Against this background, the government, the Moderate Party, the Centre Party, the Liberal People's Party (now the Liberals) and the Christian Democratic Party have agreed on initiatives necessary to ensure Sweden's capacity to receive asylum seekers and support the establishment of new arrivals. Based on the described changes in circumstances affecting the strains on Sweden's asylum system, several measures must be implemented. One such measure, is to implement changes aimed at creating room for more asylum seekers in reception centers.<sup>1</sup> ”



Photo: Karin Tengby/Swedish Red Cross

The above was also seen as a step in streamlining the processing of returnees. People who have had their asylum applications heard and rejected have to leave Sweden. Before the amendment, the law provided that

people who had not left the country might still be entitled to aid in the form of accommodation and subsistence allowances. It was considered that this entitlement impeded the efficient processing of returnees.

<sup>1</sup> <http://www.regeringen.se/remisser/2015/12/remiss-av-promemorian-andring-av-bestammelserna-om-ratt-till-bistand-i-lagen-1994137-om-mottagande-av-asylsokande-m.fl/>



Photo: Eva Jonsson/Swedish Red Cross

## How the study was conducted

This status report is based on observations from meetings with something over 500 people who, since June 2016, have been affected by the amendment. Our joint findings were collected in the following ways:

- Meetings with around 150 people (solely adult men and women) via Swedish Red Cross's migration advice service, care service or treatment centre for victims of war and torture.
- Documentation from workshops on meeting acute humanitarian needs. Centred on exchanging relevant findings and knowledge, these involved local Red Cross societies that actively work with people who have no social networks.
- In-depth interviews with local Red Cross societies in 10 locations (large and small towns) geographically dispersed from northern to southern Sweden.



# Humanitarian consequences for individuals

## Results

A little more than six months after the LMA amendment, we noted a marked increase in people seeking support and help from Swedish Red Cross's local societies around the country. We were also disquieted by the humanitarian consequences that the amendment had entailed for certain individuals.

“ Most of the people described feelings of desperation and hopelessness in the face of mounting questions.

**What can I do?  
Who can help me?  
Will anyone help?** ”

Below, there is a compilation of the most common questions and needs in respect of: food; accommodation; and, individual legal issues and support needs.

## Need for food and accommodation

Most (around 90 per cent) of the people covered by the report had asked for food. Many also needed accommodation. However, a number stated that, thus far, they had been able to stay with friends or relatives.

In many cases, the people had been in Sweden for several years. Where there has been a social network, the main issue has been temporary solutions and the need for accommodation will most probably arise in the near future.

From the stories we heard, it emerged that those who requested food were in great need of nutrition (i.e. they were clearly not getting enough food) and that this group of people was increasing.

**90%**  
**have been asking for food**

Initially, it had been possible to get food from friends and relatives, but this could not work in the long term.

Some remain in reception centers as long as possible, i.e. until they are evicted. Eviction is handled by the Swedish Enforcement Authority and takes at least eight weeks. This means it is possible to remain in the accommodation after the right to aid has ended.

“ **How can they say I'm single? My baby will be born in two weeks. Two weeks! Where am I to give birth? How are we to live? How am I to get clothes for my baby?** ”

*Pregnant woman*

## Need for healthcare and/or medicines

In just over 30 per cent of cases, the people reported seriously deteriorated health. They no longer had access to the medicines made necessary by illnesses or various surgical interventions. Examples here included people with cancer, diabetes, intestinal disease and stomas.

*A woman with heart disease told us:*

“ **I'll die without my medicine.** ”

Many (slightly over 80 per cent) of the people we met stated that their situation has led to poor psychological health. Common symptoms of this are insomnia, headaches, depression and depressive reactions.



Photo: Magnus Bergström/Swedish Red Cross

A woman told us that she had tried to take her life:

“ **...because there is nowhere for me to go.** ”

“ **An HIV sufferer stated that he could no longer eat a balanced diet or obtain all the medicines necessary to prevent his condition worsening. He feared he would develop AIDS.** ”

A man who came into our office said:

“ **I’ve just got married and my wife is expecting. The police cannot deport me and have returned my case to the Swedish Migration Agency. However, they don’t think I’ve done enough. So, they’ve taken my LMA card and my ICA card – I’m getting nothing. Even though I have no money, my wife has lost her accommodation allowance because she’s now married. She can’t stay where she is. Our baby will be born on the streets...** ”



# Reflections

## Effects of the amendment

Details provided by the Swedish Migration Agency in November 2016 show that, thus far, around 3,500 people have been informed that their entitlement to aid under LMA has ended. Of these, some one hundred have been repatriated or sent to another destination.

This means that barely three per cent have returned. Some may have left the country without the public authorities knowing. Based on the number of people who contact the Red Cross for help and who state that they do not intend leaving Sweden, it can be assumed that a large proportion of those affected by the LMA amendment are still in the country.

The amendment was proposed in a strained situation. Consequently, special measures had to be implemented so that people arriving in the country could be offered roofs over their heads.

At that time, it was important to quickly increase access to places in reception centers. The situation is not the same today.

In the groundwork for the legislation, it was clearly expressed that the government did not see any risk of other bodies (e.g. municipalities and county councils) being affected by the amendment. Even before the amendment, Swedish Red Cross had warned that there was a risk of such impact. The warning was prompted by, amongst other things, experience from Norway. Similar amendments had been implemented there a number of years before but, as they did not have the intended effect, it was decided to return to the previous regulatory system. Swedish Red Cross also asserted that there would be consequences for civil society's organisations<sup>2</sup>.

Swedish Red Cross has met people who are in acute need of food, accommodation, medical

care and other support. Especially for many of our local societies, this is something new. Many of the people are, from the humanitarian perspective, in a very vulnerable situation.

We have especially noticed vulnerability in the form of homelessness, hunger and greatly impaired health. We have also noticed a considerable need for information, both legal and social. This is because many of the people we meet have not understood why they are in their present situation and the consequences of this.

We are thus seeing a greater number of people living outside society's safety net. We see an increased risk of this group being exploited on or in, for example, the labour market, prostitution and drug trafficking. This entails increased vulnerability of individuals. It also affects society at large.

For more information about previous findings, see Swedish Red Cross's report *Voices from the shadow society – living without documents in Sweden*<sup>3</sup> *Recommendations and positions* (Swedish only).

## Return

Swedish Red Cross works on the basis of everyone being entitled to a humane and legally correct asylum process and protection (if this latter is justified under international and national law and praxis). Where people do not qualify for protection or the grant of a Swedish residence permit (e.g. owing to lack of ties, humanitarian grounds or similar), it follows that they must leave the country. Exit must be humane and dignified.

What we now see as being very disquieting is that the consequences of implemented measures do not, in many cases, include ensuring a humane and dignified exit.

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2 <http://www.redcross.se/press-och-opinion2/Remissvar/andring-av-bestammelserna-om-ratt-bistand-i-lagen-om-mottagande-asylsokande/>

3 <http://www.mynewsdesk.com/se/rodakorset/documents/rapport-roester-fraan-skuggsamhaellet-att-leva-som-pappersloes-i-sverige-45251>



Similarly, the goal of increased voluntary return is not being achieved. Instead, this amendment is resulting in humanitarian consequences that entail serious stress not only for the individual, but also for society in general.

Swedish Red Cross's experience from many years of providing support for returnees shows that it is positive incentives (with individual needs in the centre) that increase openness to voluntary return. See Swedish Red Cross's reports *Asylum application rejected – return Results and challenges and Gender perspective in asylum and return cases*<sup>4</sup>.

**One option might be a review of how to strengthen the regulatory authorities' work in the return process and how to increase voluntary return based on:**

- Ensuring that applicants truly understand full explanations of decisions or verdicts that entail return to the home country. It is incredibly important that applicants feel that their decisions and/or verdicts are legally correct and that all the reasons supporting asylum have been presented and considered.
- Dialogue with the individual being developed and the number of discussions before the journey home being increased to ensure that the returnee is sufficiently prepared.
- Planning of the journey back taking into account means of support, assistance possibilities, accommodation and if anyone is particularly vulnerable. Here, targeted assistance for particularly vulnerable groups (e.g. disabled people and women exposed to violence) may be critical.
- More nationalities being granted reestablishment support.

**Based on the meetings with affected people, Swedish Red Cross feels there are strong reasons for a review of the current regulations. In such a review, the humanitarian consequences must be crystallised. The review must involve a proportionality assessment and consequence analyses. Applying a greater pooling of knowledge and increased insight, it must also look for other solutions and methods for handling the situation that arises when people who have their asylum applications rejected do not leave the country.**

To ensure that Sweden does not breach any international undertakings and continues to be a country that leads the way as regards fundamental rights, Swedish Red Cross also considers that there must be the possibility of granting residence permits on humanitarian grounds.

Swedish Red Cross is positive towards *Investigation of the possibility of granting residence permits when a rejection or deportation decision cannot be implemented or is statute-barred*, a commission of inquiry (Ju 2016:21) set up by Sweden's government. We hope that we will here be able to pass on our experience. We know that many people cannot return to their home countries owing to so called "practical impediments to enforcement". As a result, they live in a "limbo-situation" in Sweden – they can neither get a residence permit nor return to their home countries.

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4 <http://www.redcross.se/press-och-opinion2/rapporter/>

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