

## **Platform for the Asylum Commission – “Commission for Review of Legislation, Law enforcement and Legal Certainty for People who sought asylum in Sweden during the period 2015–17”**

The Asylum Commission has been formed by researchers and people with extensive knowledge of migration and asylum seekers’ living conditions in Sweden, with the aim of initiating enquiries based on asylum seekers’ lived experiences and perspectives.

The background to the Commission is recurring reports of a difficult situation among children, adolescents and adult asylum seekers, such as unpredictable and inhumane decisions, increasing homelessness, social exclusion, mental illness, broken families and more violent deportations. Despite testimony on deficiencies in rule of law-principles, the changes are defended by the government and those responsible in municipalities and authorities. At the same time, some municipalities and civil society have worked to counteract the destructive effects.

The recent changes in refugee policy have been motivated by concern for welfare institutions but have brought with them negative consequences for people seeking protection and for civil society. These consequences need to be investigated, including the role of regulations and administrative procedures. At the same time, the positive potential of people who had their protection needs recognized needs to be addressed, for an integrated society, the rejuvenation of the labour force and economic growth.

As of today, there is no review of how these developments affected people seeking refuge – and what it means for integration in society. Several testimonies and indicators point to a shift in fundamental legal principles. There is a need for a critical enquiry to gain an understanding of *both* what has happened substantially with the asylum procedure and the content of regulations, *as well as* the effects on individuals and welfare institutions in Sweden. Both the organisation of the reception system and the interpretation and application of the law regarding asylum and humanitarian grounds, as well as the consequences of social legislation should be included. Another area that needs examination is how people who seek asylum handle negative decisions – return, lack of documentation, subsequent applications, onward migration within the EU and alternative routes.

The Commission’s **aim** is to conduct a review in 2019-2022 departing from asylum seekers’ own perspectives and lived experiences conveyed through narratives and other accounts. The situation of children and other vulnerable groups will be particularly highlighted. A priority area for the review is the situation of children and young people who have sought protection on their own without accompanying guardians. The Commission works with legal, socio-legal and other methods and theories. Within the framework of the sub-studies, case studies, interviews with asylum seekers, collection of narratives from asylum seekers as well as professional groups and support networks will be conducted. The focus is on the relationship between the legal process in practice and its consequences for the lives and existence of asylum seekers, in Sweden and other countries.

The review is planned to be conducted in three parallel steps.

### **Phase 1: Inventory of existing knowledge and research needs**

- Hearings with the participation of asylum seekers and former asylum seekers to present problems and to discuss the focus and delimitations of the review, as well as positive examples.
- A research inventory to gain scientific support, clarify the state of the art and identify on-going research in the field in Sweden and internationally.
- Collecting observations and case descriptions from professionals, NGOs, support networks and individuals – positive and negative examples.
- Identification of particularly vulnerable groups and those who have been particularly affected by the changes during the period.
- Identify attempts in mobilisation to counteract or in other ways manage changes in legislation and practice.
- An inventory of research and reports on corresponding developments in other EU countries.

### **Phase 2: Description of developments during the period**

- Description of laws and regulations, in particular the changes made during the period. This also includes EU law and changes in EU border management that affect the reception of asylum seekers in Sweden.
- Compile legal practice within the Migration Agency and the courts during the time-period.
- Studies of asylum investigations and court cases during the time-period.
- Case studies of initiatives to counteract or otherwise deal with changes in legislation and legal practice.

### Phase 3: Summary analysis

- Analysis of the consequences for minors, youth and adult asylum seekers of the regulations as they are applied in practice, including inter-legal aspects between regulations and areas of law.
- Analysis of practices and consequences in relation to international human rights obligations, not least the Convention on the Rights of the Child.
- Analysis of the consequences of the developments for civil society and the municipal and state administration in a broad sense.

The studies conducted within the framework of the Commission have different orientations and can be carried out as examination of cases in writing (selection of transcripts of interviews, decisions and judgments in individual cases) or as interviews, focus group dialogues or surveys, depending on the subject and scope. Supporting studies may be limited to procedural fields such as age assessment, ID problems, return procedure, legal representatives, interpretation and more. They can describe processes over time by following the steps of individuals in the asylum process as well as in integration or marginalisation. Some studies may also concern the assessment of certain grounds for residence permits (lack of reception for unaccompanied minors in the assigned country of return, religious grounds, honour-related grounds etc.), or country of origin information. Although the main subjects of study in the Commission are issues related to asylum, the impact on related areas such as family reunification or social rights for asylum seekers/undocumented persons, and the situation after a residence permit, expulsion or renewed flight can also be explored.

Research participants may suitably be adolescents and adult asylum seekers who have been granted residence permits or received expulsion orders, as well as persons in their support networks and civil society.

The initial gathering of testimonies through hearings will take place in different places in Sweden with the aim of creating contacts and exploring experiences, while the further supporting studies will be carried out as research projects (doctoral students and/or post-doc), and in the form of theses at various universities. Additional reports may be produced by other actors as agreed with the Commission.

**The head of** the Asylum Commission is the Department of Social and Welfare studies (ISV) at Linköping University, in close collaboration with the Swedish Network of Refugee Support Groups, FARR.

**The Asylum Commission** consists of people from the field of welfare-law and migration-law research, other experts, people with experience of migration and the Swedish asylum procedure and people active in voluntary organisations or the legal field. The number of members in the Commission will be extended during the period of the project and the Commission may, if necessary, turn to other researchers and professionals during preparation and selection of subject areas as well as when results are presented.

The Asylum Commission **Board** includes representatives from Linköping university and other members who are appointed in consultation with the institution. The board of the Asylum Commission interacts with researchers at Linköping University concerning the selection of tasks for researchers, students, voluntary organisations and funding. The entire Commission meets three to four times per year for discussions on orientation, presentation of supporting studies, communication of results etc.

The Asylum Commission's **approach** shall be characterised by the aim of examining developments from the perspective and position of asylum seekers, i.e. those affected by the procedure and by the changes in rules and practice. This is done through the compilation of testimonies but will be on-going through continued consultation in various forms, since individuals with their own experience of applying for protection in Sweden are members of the Commission.

Over and above interaction between ISV and FARR cooperation will be sought with other voluntary organisations and other university institutions and researchers who carry out studies within the same subject area.

The Commission's work will start June 1, 2019 and last for at least three years. The work begins with the above-mentioned local hearings where adolescents and adults with experience of the asylum procedure and other experts in the area, will take part in order to gather information and carry out relevant selection for the upcoming supporting research.

The Commission's work will be reported continuously. Results of the research will be presented in scientific articles, student theses and through an anthology no later than spring 2022. Other forms of dissemination of lived experiences, for example through theatre plays, shorter essay texts, film recordings etc. may occur. A public seminar within the framework of the Commission, where recommendations are presented to legislators, will take place at the appropriate time. The Commission is to work actively to ensure that the generated results reach politicians and other decision makers, raise the level of knowledge in society and form the basis for both continued research and directly influencing legislation and practice.

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