

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

# POLICY DEPARTMENT **C**

## CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



Constitutional Affairs

Justice, Freedom and Security

Gender Equality

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Petitions

## Obstacles to the right of free movement and residence for EU citizens and their families: Country report for Sweden

Study for the LIBE and PETI Committees



**DIRECTORATE GENERAL FOR INTERNAL POLICIES**

**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS**

**CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS  
PETITIONS**

**Obstacles to the right of free movement  
and residence for EU citizens and their  
families:  
Country report for Sweden**

**STUDY**

**Abstract**

This study, commissioned by the European Parliament's Policy Department for Citizen's Rights and Constitutional Affairs at the request of the LIBE and PETI Committees, analyses the current status of transposition of selected provisions of Directive 2004/38/EC in Sweden and identifies the main persisting barriers to free movement for EU citizens and their family members in Swedish national law and practice. The study also examines discriminatory restrictions to free movement, measures to counter abuse of rights and refusals of entry and residence rights, in addition to expulsions.

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To contact the Policy Department for Citizen's Rights and Constitutional Affairs or to subscribe to its newsletter, please write to:

[poldep-citizens@europarl.europa.eu](mailto:poldep-citizens@europarl.europa.eu)

### **Research Administrators Responsible**

Ottavio MARZOCCHI and Darren NEVILLE  
Policy Department C: Citizens' Rights and Constitutional Affairs  
European Parliament  
B-1047 Brussels  
E-mail: [poldep-citizens@europarl.europa.eu](mailto:poldep-citizens@europarl.europa.eu)

### **AUTHORS**

Ida Otken ERIKSSON, Managing Partner at Öberg & Associés  
Hanna PETTERSSON, Associate at Öberg & Associés

Under the guidance of Milieu Ltd. (Belgium); Project Managers: Nathalie MEURENS and Gillian KELLY.

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## LIST OF ABBREVIATIONS

**CJEU** Court of Justice of the European Union

**EEA** European Economic area

**EHIC** European Health Insurance Card

**EP** European Parliament

**SOLVIT** Effective Problem Solving in Europe

**TEU** Treaty on the European Union

**TFEU** Treaty on the Functioning of the European Union

**The Commission** European Commission

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## EXECUTIVE SUMMARY

The Report analyses the current status of transposition of Directive 2004/38/EC in Sweden and identifies the main persisting barriers to free movement for EU citizens and their family members in Swedish law and practice.

Concerning the **transposition of the Free Movement Directive**<sup>1</sup>, the report finds that following 2014 amendments to the Swedish Aliens Act (2005:716) (the Aliens Act) the transposition has now been **satisfactorily completed**<sup>2</sup>. In several instances, the Aliens Act is **more favourable** to EU citizens and their family members than the Directive.

The report then examines whether or not there are any **persisting barriers** to free movement, firstly in terms of obstacles for EU citizens themselves and, secondly, for the family members of EU citizens. In the view of the authors, only one practical barrier persists with respect to free movement of EU citizens and their family members, the **administrative difficulties** related to obtaining a **personal number** from the Swedish Tax Authority, which represents a **severe impediment to everyday life** in Swedish society. No other barriers to free movement for either EU citizens or their family members have been identified for entry, residence, access to social security and healthcare, or otherwise.

In relation to the question of whether there are any discriminatory restrictions to free movement based on nationality, civil status/sexual orientation and ethnic/racial origin, **no discriminatory** restrictions to free movement based on nationality and civil status/sexual orientation have been **identified**. However, there have been several reported instances in Sweden of **Roma** being discriminated against by various private service providers, i.e. complaints have been made about denial of accommodation and access to different services in Swedish society. These complaints have been, or are likely to be, addressed in the legal system.

There has been much debate in Sweden in recent years about EU migrants, due to the perceived influx of Romanian and Bulgarian citizens of Roma origin who resort to begging. There is no provision in the Aliens Act - or elsewhere - for expelling or otherwise removing these individuals from Sweden.

The report also deals briefly with **marriages of convenience and other types of fraud**. With **few cases** identified in Sweden, there is **little complaint or debate** about this issue.

Lastly, the report looks at **refusal of entry, refusal of residence and expulsion** of EU citizens. It has been very difficult to obtain information, and no relevant statistics were obtained from the competent authorities. EU citizens and their family members cannot be refused entry into Sweden if they can identify themselves. In addition, there are **very few cases** of expulsion of EU citizens and their family members, which expulsions took place in the context of the imposition of a criminal sentence. There is **no legal basis** in Sweden for expulsion of individuals considered to be **an unreasonable burden on the social assistance system**.

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<sup>1</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77–123 (the Directive or Directive 2004/38/EC).

<sup>2</sup> *Utlänningslag* (2005:716), 2005-09-29.

# 1. OVERVIEW OF THE TRANSPOSITION OF DIRECTIVE 2004/38/EC AND RECENT DEVELOPMENTS

## KEY FINDINGS

- In **2014**, Sweden amended the Aliens Act and introduced new provisions in order to **improve transposition** of the Directive.
- After these amendments, transposition of the Directive is deemed **satisfactory**.
- In certain respects, the Aliens Act is **more favourable** to EU citizens and their family members than the Directive itself.

## 1.1. Transposition context

### 1.1.1. Transposition overview as assessed by the European Parliament and the Commission in 2008

In **2008** the European Commission (the Commission) found that while Sweden had transposed the Directive correctly for the most part, **some significant gaps and instances of incorrect transposition remained**<sup>3</sup>. In particular, Sweden had failed to correctly transpose Articles 2(2) (definition of 'family member') and 5(4) (providing for the right of entry for EU citizens and their family members arriving at the border without the necessary travel document, or if required, entry visas) of the Directive, as well as the concept of 'unreasonable burden'.

The Commission initiated infringement proceedings against Sweden, under Article 226 of the EC Treaty, for its failure to communicate the text of the provisions of national law adopted to transpose the Directive<sup>4</sup>.

The national expert for Sweden in the study conducted by the European Parliament (EP) in 2009<sup>5</sup> concluded that 'the transposition process of the Directive is unfortunately rather imperfect and could be improved, although the overall evaluation of the transposition of the Directive via the Aliens Act has been satisfactory and the rights of Union citizens and their family members seems to have been observed'<sup>6</sup>. The expert drew particular attention to the **administrative obstacles** restricting the free movement of EU citizens and their family members, specifically mentioning Sweden's system for issuing **ID cards**, which was then under reform. The expert also noted that the Swedish requirement for EU citizens to register their presence in Sweden with the Migration Agency (*Migrationsverket*) within the first three months after arrival constituted a violation of Article 8 (2) of the Directive and also meant that EU citizens were treated less favourably than Nordic citizens (citizens of Finland, Iceland, Denmark and Norway), who were allowed to register with the municipality where they lived.

<sup>3</sup> EC, *Report from the Commission to the European Parliament and the Council on the application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States*, COM (2008) 840 final, p. 12.

<sup>4</sup> Ibid, p. 3.

<sup>5</sup> EP, Directorate General for Internal Policies, Policy Department for Citizens' Rights and Constitutional Affairs, *Comparative study on the application of Directive 2004/38/EC of 29 April 2004 on the Right of Citizens of the Union and their family members to move and reside freely within the territory of the Member States*, 2009.

<sup>6</sup> Ibid. p. xiii.

### 1.1.2. What has changed since

Following the Commission's criticism of Sweden's incorrect transposition of the Directive, efforts were made **in 2014** to address the issues raised, through **changes to the Aliens Act** and, to a lesser extent, to the Aliens Ordinance (2006:97)<sup>7</sup>:

- A fourth paragraph was added to Chapter 3a Section 2 of the Aliens Act. The provision, which defines 'family members of an EEA citizen' now also includes '**other**' **family members**. 'Other' family members are family members who, in the country from which they came, were dependent on the EEA citizen for their means of support, or who form part of the EEA citizen's household. If serious medical circumstances absolutely necessitates that the EEA citizen personally cares for the family member, the family member also falls within the definition of 'other' family members<sup>8</sup>.
- The transposition of Article 7(4) of the Directive was improved, with previous restrictions removed, i.e. on the category of 'family members' entitled to an automatic right to stay when the EEA citizen is a **student** (spouse or co-habiting partner and children under the age of 21). Today, the categories of family members who may acquire a right to stay are the same for all EEA citizens who themselves have a right to stay, including students<sup>9</sup>.

Following the judgment of the Court of Justice of the European Union (CJEU) in *Eind*<sup>10</sup>, the Swedish Government included a specific provision on **family members of Swedish citizens returning to Sweden** after having exercised their right to free movement<sup>11</sup>. The provision specifies that the right to stay in Sweden applies to a foreigner who is a family member (as defined in Chapter 3a Section 2 of the Aliens Act) of a Swedish citizen who returns to Sweden after having exercised his or her right to free movement under the Directive and to a foreigner who has followed or joined a Swedish citizen who exercised his or her right to free movement.

- The Aliens Act was amended to allow the Government to issue ordinances regarding the **right of permanent residence** under Article 18.
- The right for family members of Swedish citizens who have exercised their free movement rights and who are employees or self-employed in Sweden to be treated as equal to Swedish citizens under the **Financial Aid for Studies Act** was included<sup>12</sup>.
- Amendments were made to **clarify the rules on refusal of entry and expulsion** of EU citizens and their family members. Changes were mostly editorial, but a **new provision allowing refusal of entry on grounds of public security and public policy** was included, where, previously, the legislation had only allowed for **expulsion** on grounds of public security or public policy. A specific provision on expulsion and refusal of entry of EEA citizens who are **children** was included. Chapter 8 Section 12 was also amended to align its wording with that of the Directive<sup>13</sup>.

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<sup>7</sup> Utlänningsförordning (2006:97), 2006-02-23.

<sup>8</sup> Travaux préparatoires, prop. 2013/14 :81, p. 22-26.

<sup>9</sup> Travaux préparatoires, prop. 2013/14 :81, p. 26-27.

<sup>10</sup> *Eind*, C-291/05, EU :C :2007 :771.

<sup>11</sup> Travaux préparatoires, prop. 2013/14 :81, p. 18-22.

<sup>12</sup> Travaux préparatoires, prop. 2013/14:81, p. 21-22.

<sup>13</sup> Travaux préparatoire, prop. 2013/14:82, p. 54-58.

- A new provision was introduced for **marriages of convenience, co-habitation partnerships of convenience and sham adoptions**. This amendment was a codification of a judgment by the Migration Court of Appeal in 2009<sup>14</sup>. In the judgment, the Court held that it followed from the case law of the CJEU that EU law may not be invoked in cases of abuse or fraud. The family members of an EU citizen could not, therefore, be given a right to stay when the marriage was only entered into in order to circumvent rules on entry and stay for third country nationals. The law was changed to reflect this development in case law. The provision was modelled on an existing provision on residence permits, which allows for denial of a residence permit in cases of marriages or co-habitation partnerships of convenience and sham adoptions<sup>15</sup>.
- The provision in Chapter 8 Section 9 of the Aliens Act was amended to include the word 'unreasonable'. The previous provision allowed for an EU citizen and their family members to be forced to leave the country<sup>16</sup> **simply for becoming a burden on the social assistance system**. The amendment clarified that this burden must be of a certain significance<sup>17</sup>. Thus, a person must have engaged the social services system a significant number of times before he or she can be considered an unreasonable burden under the Aliens Act<sup>18</sup>. The possibility of forcing a person to leave the country on this ground **only exists during the first three months of stay** and, as stated in the travaux préparatoires, it is unlikely that a person will have already become an unreasonable burden during this short period. This means that the provision will only apply in very exceptional circumstances<sup>19</sup>. **The provision states expressly that it is not applicable to foreigners who have a 'right to stay'**. Under the Aliens Act, the 'right to stay' is defined as the right of residence for more than 3 months (Article 7 in the Directive). This means that no EU citizen or their family members may be forced to leave the country under the provision during their first three months in Sweden if they comply with the basic requirements for free movement specified in Article 7.
- The **Swedish Tax authority was charged with issuing ID cards**, filling the lacunae left when the Swedish Cashier Service (*Svensk Kassaservice*) was dismantled<sup>20</sup>.

Through these amendments, the failures and inaccuracies identified by the Commission and the EP have been addressed.

## 1.2. Current transposition status

### 1.2.1. Overall assessment of the current transposition status in Sweden

As described in the previous section, a number of amendments to the regulatory framework were made in 2014 to improve transposition of the Directive, following which the status of transposition can be considered satisfactory. **In the authors' view, transposition is now above 90 %**. In some instances, the rules under the Aliens Act are **more favourable** than

<sup>14</sup> Judgement by the Migration Court of Appeal on 26 March 2009, MIG 2009:11.

<sup>15</sup> Travaux préparatoires, prop. 2013/14:81, p. 29.

<sup>16</sup> In Swedish "avvisas", literal translation into English in accordance with the terminology used in the Swedish Aliens Act; "be refused entry and stay", but in reality and under EU-terminology equal to "expulsion".

<sup>17</sup> Travaux préparatoires, prop. 2013/14:82, p. 56.

<sup>18</sup> Travaux préparatoires, prop. 2005/06:77, s. 73.

<sup>19</sup> Wikrén, G. & Sandesjö, H., *Utlänningslagen med kommentarer*, version 10 May 2015.

<sup>20</sup> Act on identity cards for persons registered in Sweden (lag (2015:899) om identitetskort för folkbokförda i Sverige), 2015-12-10 and Ordinance on identity cards for persons registered in Sweden (*förordning (2015:904) om identitetskort för folkbokförda i Sverige*), 2015-12-10.

under the Directive itself, for example, Sweden has chosen not to transpose the exception allowing Member States to restrict free movement on grounds of public health.

The concept of 'sufficient resources' is transposed through Chapter 3a Section 3 paragraphs 3-4. These provisions allow for students who are EEA citizens, as well as other EEA citizens who have 'sufficient resources' to acquire a right to stay in Sweden.

The Migration Court of Appeal (swe. *Migrationsöverdomstolen*) interpreted '**sufficient resources**' to mean that the EU citizen is required to have such resources that he or she does not become a burden on the social assistance system (MIG 2011:19). In that case, the person in question received some benefits under the Swedish social assistance system, but this was not enough to deprive her of her right to stay in Sweden<sup>21</sup>. No other issues are reported with respect to the concept of 'sufficient resources', suggesting that its interpretation is in line with the Directive.

Sweden has **not explicitly transposed into the Aliens Act the general equal treatment** clause in Article 24 of the Directive, which, strictly speaking, could be seen to represent a gap in legislation and partial transposition. Still, the right to equal treatment of EU citizens follows from the directly applicable and effective provisions in the Treaty on the European Union (TEU) and Treaty on the Functioning of the European Union (TFEU), as well as the Swedish constitutional provisions on accession to the EU.

#### 1.2.2. [Additional conditions in law or practice for family members \(especially third country national family members\) to exercise their free movement rights](#)

**No additional requirements are imposed in law or practice** for EU citizens or their third country national family members to obtain a right to residence in Sweden.

#### 1.2.3. [Sweden's approach towards the partners of EU citizens](#)

**Same-sex marriages and same-sex cohabitation partnerships are recognised as being equal to different-sex marriages and different-sex cohabitation partnerships.** There are no issues reported on the interpretation/application of a durable relationship. This is dealt with in further detail in Section 3.2 below.

#### 1.2.4. [Sweden's implementation of the Metock ruling](#)

There is no requirement that a third country national who is a family member of an EU citizen must have resided lawfully in another Member State before entering Sweden. As stated above, it is now stated expressly in Chapter 3a Section 2 of the Aliens Act that the right to stay in Sweden applies to a foreigner who is a family member of a Swedish citizen who has returned to Sweden after having exercised his or her right to free movement under the Directive and to a foreigner who has followed or joined a Swedish citizen while he or she exercised his or her right to free movement.

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<sup>21</sup> Judgement by the Swedish Court of Appeal, MIG 2011:19, judgement delivered on 2011-06-16.

1.2.5. Requirements for obtaining the right of residence beyond those contained in Article 7(1) and (2) of the Directive

**There are no additional requirements** for obtaining the right of residence beyond those contained in Articles 7(1) and (2) of the Directive. In 2015 it was reported that a Bulgarian job seeker had been refused residence, despite his brother providing a guarantee for the entire family, but this was an isolated incident<sup>22</sup>.

1.2.6. Conditions attached to the right of permanent residence beyond Article 16 of the Directive

**Sweden does not impose any additional conditions** on the right of permanent residence beyond those provided for in Article 16 of the Directive.

No other transposition issues have been identified.

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<sup>22</sup> Your Europe Advice, Quarterly Feedback Report No. 11, Quarter 1/2015 (January-March).

## 2. IMPLEMENTATION OF THE DIRECTIVE: DESCRIPTION OF THE MAIN PERSISTING BARRIERS

### KEY FINDINGS

- An important practical obstacle to free movement is the Swedish Tax Authority's refusal to accept any **proof of medical insurance other than the S1 form**. This constitutes **an obstacle to obtaining a personal number** in Sweden, without which it is very difficult to seek jobs, get a salary, open a bank account, etc.
- Another obstacle to free movement is the **difficulty remaining in obtaining a Swedish ID card from the Swedish Tax Authority**. While it is not obligatory to hold such a card, certain actors, e.g. banks, may refuse to accept other forms of identity documents.

### 2.1. Main barriers for EU citizens

#### 2.1.1. Entry

There are no reports of recurring problems regarding the right of entry for EU citizens.

Still, it could be argued that Chapter 8 Section 9 of the Aliens Act transposing the **right to entry is not fully compliant** with the Directive. The Swedish legislation, in principle, allows for refusal of (re-)entry during the first three months of stay on grounds of being an unreasonable burden on the social assistance system. The right to entry of an EU citizen or their family members cannot be dependent on not being an unreasonable burden on the social assistance system, only the right of residence is affected by this requirement. Nevertheless, the right to entry and the right to residence are closely linked and, under the provision in question, an EU citizen or family member could only be withdrawn the right of residence of up to three months if he or she had already entered Sweden under Article 6 of the Directive (right of residence for up to three months) *and* has then, during the three month period in question, become an unreasonable burden by engaging the social services system a significant number of times (in line with Article 14 of the Directive). Moreover, so far the provision appears to never have been applied in practice, nor is it very likely to, in the view of the authors.

#### 2.1.2. Residence

Residence for EU citizens and their family members is regulated by Chapter 3a of the Aliens Act. There are **no recurring issues or obstacles** for EU citizens in exercising their residence rights.

An EU citizen does not have to hold a residence card which is issued by the Swedish Migration Agency. However, the Swedish Tax Authority, which is responsible for registering EU citizens in the public population registry and issuing Swedish personal numbers, will require documentation from EU citizens that proves their right to stay, such as an employment contract, or a bank statement<sup>23</sup> (please see Section 2.1.4 below for further discussion of this issue).

<sup>23</sup> Du är medborgare i ett EU- eller EES-land, Swedish Tax Authority website, available at: <http://www.skatteverket.se/privat/folkbokforing/flyttatillsverige/medborgareuees.4.5a85666214dbad743ff11fb.htm>

### 2.1.3. Access to social security and healthcare

In 2014 the Swedish Supreme Administrative Court (swe. *Högsta förvaltningsdomstolen*) held that the Social Security Code does not contain a requirement that a person who is resident or living in Sweden (swe. *bosatt*) has a right to stay under the Aliens Act. Consequently, if a person can be considered to be resident or living in Sweden, within the meaning of the Social Security Code, they are entitled to benefits granted on grounds of residence in Sweden, irrespective of their right to stay<sup>24</sup>. A person is considered to be living in or resident in Sweden under the Social Security Code (2010:110) (*socialförsäkringsbalk*) if they have their genuine domicile (swe. *egentlig hemvist*) in Sweden, or, if they move to Sweden, if it can be presumed they will stay for at least one year<sup>25</sup>. The concept of 'resident' is to be interpreted in line with the interpretation of 'resident' in the Public Registry Act<sup>26</sup>. The **benefits** available to persons who are resident in Sweden include, *inter alia*, child support, benefits connected to parental leave, sick pay, disability assistance, etc<sup>27</sup>.

Making access to benefits conditional upon actual residence, rather than the *right of residence* or *right to stay*, widens the applicability of those benefits *ratione personae* to include EU citizens and family members who fall outside the scope of the Directive. As **Swedish law is more favourable** in this respect than the Directive, there are no recurrent problems or issues in this area.

In 2012 a petition was lodged to the European Parliament by a British citizen who was unable to register with the Swedish Tax Authority and could not, therefore, access the Swedish national healthcare system. The Commission sought clarification from the Swedish authorities<sup>28</sup>. While registration with the Swedish Tax Authority constitutes a recurrent problem (see below), this is not a recurrent issue with respect to access to healthcare.

### 2.1.4. Others

While the provisions on the right of residence and the right of stay in the Aliens Act meet the requirements of the Directive, EU citizens and their family members may encounter another practical obstacle to exercising their free movement rights.

Thus, notwithstanding the fact that the **Migration Agency** accepts that EU citizens and their family members have a right to stay in Sweden - and if so, they may on request provide them with a **residence card** - these same persons may have **difficulties in obtaining a personal number or an ID card**, an issue which has been reported for several years<sup>29</sup>.

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<sup>24</sup> Judgement of the Supreme Administrative Court, Case nr 2785-13, judgement delivered on 15 April 2014.

<sup>25</sup> Chapter 5 Sections 2-3 of the Social Security Code.

<sup>26</sup> Travaux préparatoires, prop. 1998/99:119, p. 86.

<sup>27</sup> Chapter 5 Section 9 of the Social Security Code.

<sup>28</sup> Petition No 1289/2012 to the European Parliament.

<sup>29</sup> Your Europe Advice, Quarterly Feedback Report, Quarter 2/2012 (April – June), Your Europe Advice, Quarterly Feedback Report, Quarter 3/2012 (July – September), Your Europe Advice, Quarterly Feedback Report No. 3, Quarter 1/2013 (January – March), Your Europe Advice, Quarterly Feedback Report No. 4, Quarter 2/2013 (April – June), Your Europe Advice, Quarterly Feedback Report No. 5, Quarter 3/2013 (July – September), Your Europe Advice, Quarterly Feedback Report No. 6, Quarter 4/2013 (October – December), Your Europe Advice, Quarterly Feedback Report No. 7, Quarter 1/2014 (January – March), Your Europe Advice, Quarterly Feedback Report No. 8, Quarter 2/2014 (April – June), Your Europe Advice, Quarterly Feedback Report No. 9, Quarter 3/2014 (July – September), Your Europe Advice, Quarterly Feedback Report No. 10, Quarter 4/2014 (October – December), Your Europe Advice, Quarterly Feedback Report No. 11, Quarter 1/2015 (January-March), Your Europe Advice, Quarterly Feedback Report No. 12, Quarter 2/2015 (April – June), Your Europe Advice, Quarterly Feedback Report, Quarter 3/2015 (July – September), Your Europe Advice, Quarterly Feedback Report No. 14, Quarter 4/2015.



**A personal number** is an eight-digit unique number, issued by the Swedish Tax Authority under the Public Registry Act (1991:481), which is used for **identification purposes**<sup>30</sup>. Each person registered in Sweden must have a personal number. A person can only be registered for a personal number if they have a right to stay, or a residence permit, or if there are other strong reasons<sup>31</sup>.

The problem is that the Swedish **Tax Authority** have in several instances made an "independent" assessment of whether or not a person has a right to stay, meaning that an **EU citizen** may have to **prove their right of stay to two separate authorities**: the Migration Agency, in order to obtain a residence card and the Swedish Tax Authority, in order to obtain a personal number and registration in the population registry. Typically, an EU citizen will apply to the two authorities at the same time (or choose not to apply for a residence card with the Migration Agency as this is not obligatory and may also take a long time to get due to the present congestion of the Migration Agency because of the refugee situation). Thus, the Tax Authority will often decide on the personal number and registration in the population registry before the Migration Agency decides on the residence card.

The Swedish Tax Authority is known to apply very strictly and un-flexibly the criteria under Article 7 of the Directive and **accepts e.g. only the EU standard S1 form**<sup>32</sup> as proof of public health insurance<sup>33</sup>. If an EU citizen cannot produce the S1 form, they will not be registered as living in Sweden and will not be given a personal number. **This requirement to hold a S1 form has been considered a major obstacle to free movement for several years**<sup>34</sup>.

As an **alternative** to the **S1 form**, the **Swedish Tax Authority only accepts private health insurance**, provided it fulfils four conditions:

- (1) The health insurance covers the EU citizen living in Sweden;
- (2) The health insurance is valid for at least one year on arrival in Sweden;
- (3) The health insurance fulfils one of these requirements:
  - It covers necessary medical treatment up to 10 million SEK; or
  - It is equivalent to the general health insurance in the EU or EEA country from which the EU citizen is moving;
  - It covers necessary medical treatment up to an amount lower than 10 million SEK but it covers travel costs for going back to the EU citizen's home country for the necessary medical treatment;
- (4) The health insurance does not contain any disclaimers denying coverage in certain situations<sup>35</sup>.

<sup>30</sup> Folkbokföringslag (1991:481), 1991-05-30.

<sup>31</sup> Section 18 and Section 4 paragraph 1 Public Registry Act.

<sup>32</sup> The S1 form is a European certificate of entitlement to healthcare for persons who don't live in the country where they are insured, see [http://europa.eu/youreurope/citizens/work/social-security-forms/index\\_en.htm](http://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm).

<sup>33</sup> See, for example, Du flyttar med din familj och ska leva på dina tillgångar (egna medel), Swedish Tax Authority website, accessible at: [www.skatteverket.se](http://www.skatteverket.se).

<sup>34</sup> Section 18 and Section 4 paragraph 1 Public Registry Act.

<sup>35</sup> See, for example, Du flyttar själv och ska leva på dina tillgångar (egna medel), Swedish Tax Authority website, available at: <http://www.skatteverket.se/privat/folkbokforing/flyttatillsverige/medborgareeuees/duskalevapadinatillgangar/duflyttarsjlv.4.3810a01c150939e893f3548.html>.

The Swedish National Board of Trade (swe. 'Kommerskollegium') has highlighted the difficulties in receiving a personal number as a major obstacle to free movement<sup>36</sup>. The Board conducted an investigation among private insurance companies and found that **no insurance company offered health insurance that fulfilled all of the conditions required** by the Swedish Tax Authority<sup>37</sup>.

SOLVIT (Effective Problem Solving in Europe) Sweden has dealt with **several cases** where, despite the Migration Agency considering that an EU citizen had a right to stay in Sweden, the Swedish Tax Authority **refused to register** them as living in Sweden **and give** them a **personal number**, because they did not consider the EU citizen to have a right to stay.

The 2015 report from SOLVIT also stated that problems with obtaining personal numbers constitute one third of all queries directed to SOLVIT in the field of the free movement of persons<sup>38</sup>. SOLVIT concludes that the problems are due to the Tax Authority's strict application of the rules on registration in the population registry; that the problems result in a number of unsolved SOLVIT queries; and that SOLVIT has resigned from trying to find "individual, pragmatic" solutions where possible.

### Table of examples from SOLVIT Sverige

A Dutch national whose right to stay was registered by the Migration Agency could not get a personal number because she lacked comprehensive health insurance. The Swedish Tax Authority deemed her private health insurance insufficient, finding that only public health insurance is adequately comprehensive. In the Netherlands, the social security system is based on private insurance, and it was impossible for the Dutch national to be registered in Sweden<sup>39</sup>. The issue was resolved after the intervention of SOLVIT.

A Bulgarian student was denied a national number because the Swedish Tax Authority required her European Health Insurance Card (EHIC) to be valid for at least one year. After SOLVIT had pointed out that such a requirement is contrary to EU law, the Tax Authority reversed its decision and granted the student a personal number<sup>40</sup>.

An Estonian national could not obtain an employment contract from a Swedish company because he had no personal number. The Tax Authority would not issue him with a personal number without an employment contract. The issue was resolved after the intervention of SOLVIT, where the employer eventually signed the employment contract without the personal number<sup>41</sup>.

<sup>36</sup>Moving to Sweden – Obstacles to the Free Movement of EU Citizens, 2014:2, May 2014 Kommerskollegium website, available at: [http://www.kommers.se/Documents/dokumentarkiv/publikationer/2014/Moving-to-Sweden\\_webb.pdf](http://www.kommers.se/Documents/dokumentarkiv/publikationer/2014/Moving-to-Sweden_webb.pdf).

<sup>37</sup> Ibid.

<sup>38</sup> SOLVIT, Sverige 2015 – Ett urval av intressanta ärenden under året, kommerskollegium website, available at: <http://www.kommers.se/Documents/dokumentarkiv/publikationer/2016/Publ-Solvit-Sverige-2015.pdf>

<sup>39</sup> SOLVIT Sverige, SOLVIT Sverige 2014 – Ett urval av principiellt intressanta ärenden under året, Kommerskollegium website, available at: <http://www.kommers.se/Documents/dokumentarkiv/publikationer/2013/rapporter/solvit-sverige-2012.pdf>.

<sup>40</sup> Ibid.

<sup>41</sup> SOLVIT, Sverige 2015 – Ett urval av intressanta ärenden under året, kommerskollegium website, available at: <http://www.kommers.se/Documents/dokumentarkiv/publikationer/2016/Publ-Solvit-Sverige-2015.pdf>

Not having a Swedish personal number **impedes access to a large number of services** in society. Examples include difficulties in **opening bank accounts and subscribing to mobile and internet services**<sup>42</sup>.

There have been reports of people being unable to seek **employment** in Sweden because they do not have a personal number, which is required by the Public Employment Service ('Arbetsförmedlingen') to **register a person as a job-seeker**<sup>43</sup>. This creates a **catch-22 situation**, as in the example of a German citizen who could not register as a job-seeker in Sweden because he lacked the S1 form and the Swedish Tax Authority refused to give him a personal number. German authorities then refused to give him a S1 form, as he was not working in Sweden<sup>44</sup>.

**Another practical obstacle** to exercising the right to free movement in Sweden, apart from the difficulties in being registered for a personal number, **is to get a Swedish ID card** (which does not follow automatically from being registered for a personal number).

EU citizens who do not hold an ID card issued by a Swedish authority have experienced **difficulties in e.g. trying to open a bank account in Sweden**.

The Swedish Tax Authority is also competent to issue ID cards to foreign citizens. An ID card may be issued to a person over the age of 13 who can prove their identity, and who pays the application fee of approx. EUR 40. However, the Swedish Tax Authority only accepts certain documents as proof of identity. These are: ID cards issued by the Swedish Tax Authority itself, Swedish driver's licences, Swedish SIS-marked ID cards (e.g. issued by a bank, company or authority) and Swedish Services cards for state officials issued by an authority<sup>45</sup>. **None of these are easily obtained by EU citizens or third country nationals**. While the Swedish Tax Authority accepts passports from other Member States as proof of identity, this is not necessarily the case as regards different ID cards issued by different authorities in other Member States.

Document	Needed for	Body responsible for issuing it	Documents needed to obtain it	Problems
<b>Residence card</b>	Determines the formal right to stay, but not obligatory	Swedish Migration Agency	In conformity with EU law	None, except possibly the duration of time needed to get the card
<b>Personal number/registration in the</b>	Not obligatory but in practice very important for	Swedish Tax Authority	In principle same as above, but is applied and interpreted	Very strict requirements concerning the S1 form and private

<sup>42</sup> Your Europe Advice, Quarterly Feedback Report No. 3, January-March 2013, Your Europe Advice, Quarterly Feedback Report No. 9, Quarter 3/2014 (July-September).

<sup>43</sup> Your Europe Advice, Quarterly Feedback Report No. 8, Quarter 2/2014 (April-June), Your Europe Advice, Quarterly Feedback No. 10, Quarter 4/2014 (October - December), Your Europe Advice, Quarterly Feedback Report No. 12, Quarter 2/2015 (April - June), Your Europe Advice, Quarterly Feedback Report No. 14, Quarter 4/2015.

<sup>44</sup> Your Europe Advice, Quarterly Feedback Report No. 6, Quarter 4/2013 (October-December).

<sup>45</sup> Godkända id-handlingar när du ansöker om ID-kort, Swedish Tax Authority website, available at: <http://www.skatteverket.se/privat/folkbokforing/idkort/villkorforattfaansokaomidkort/godkandaaidhandlingar.4.76a43be412206334b89800035836.html>

Document	Needed for	Body responsible for issuing it	Documents needed to obtain it	Problems
<b>population registry</b>	everyday life, typically: <ul style="list-style-type: none"> <li>• opening a bank account</li> <li>• registering as a job seeker</li> <li>• buying a house</li> <li>• concluding rental agreements</li> <li>• taking out a loan</li> <li>• signing an employment contract</li> <li>• etc.</li> </ul>		in a stricter and sometimes inflexible manner, e.g. requiring the S1 form and private health insurance.	health insurance. Also strict requirements to e.g. get an employment contract. Risk of variation and inflexibility in application.
<b>ID card</b>	Not obligatory, but may in practice sometimes be necessary, depending on the service provider: <ul style="list-style-type: none"> <li>• for loans</li> <li>• for subscription to different services, e.g. internet, mobile phones.</li> </ul>	Swedish Tax Authority	Other Swedish ID cards; Passports	Very difficult for persons without passports or EU driver's licences to get a Swedish ID card.

Apart from these obstacles, there are no reports of *recurring* issues in exercising rights to free movement in Sweden.

## 2.2. Main barriers for family members of EU citizens

### 2.2.1. Entry

Sweden differentiates between third country nationals and third country nationals who are family members of EEA citizens, providing slightly more favourable treatment to the latter category. If the family member of an EEA citizen holds a residence card issued in Sweden or in another EEA state, they do not have to hold a visa in order to enter Sweden<sup>46</sup>. Sweden has introduced **facilities** for family members to acquire an **entry visa in its legislation**, and these **visa applications** lodged by **family members** of EEA citizens must be processed

<sup>46</sup> Chapter 2 Section 8a Aliens Act.

in an **expedited manner**<sup>47</sup>. **No fees** apply to such applications for family members of EU citizens<sup>48</sup>.

There have been reports of **delays** in the application procedures for visas for third country nationals who are family members of EU citizens<sup>49</sup>. SOLVIT Sweden reported that, during 2014, it received a **high number of complaints** about embassies ignoring EU law or taking too long to issue visas for third country nationals who are family members of EEA citizens<sup>50</sup>. Otherwise, there are no reported recurring issues/obstacles for third country family members in accessing entry rights or residence cards in Sweden.

However, there is no express provision in the Aliens Act or the Aliens Ordinance corresponding to Article 5, paragraph 4 in the Directive according to which, where a family member who is not a national of a Member State does not have the necessary visas, the Member State concerned shall, before turning them back, give such persons every reasonable opportunity to obtain the necessary documents or have them brought to them within a reasonable period of time or to corroborate or prove by other means that they are covered by the right of free movement and residence.

### 2.2.2. Residence

As is the case with EU citizens, the right of stay of family members of EU citizens is regulated by Chapter 3a of the Aliens Act.

The main issue for family members who are accompanying or joining family members of EU citizens are the **excessive delays** in receiving **residence cards and permanent residence cards**<sup>51</sup>. The Migration Agency itself estimates that processing an application for a permanent residence card for a family member can take up to **15 months**<sup>52</sup>. This is **contrary to Article 10 of the Directive**, which stipulates that residence cards shall be issued no later than **six months** after application. The excessive delays are, for example, explained by the present congestion of the Migration Agency due to the many refugees who have arrived in Sweden.

There have been no other reports of recurring problems with obtaining residence cards.

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<sup>47</sup> Chapter 3 Section 11 Aliens Ordinance.

<sup>48</sup> Avgifter för ansökan om visum och uppehållstillstånd för besök, Migration Agency website, available at: <http://www.migrationsverket.se/Privatpersoner/Besoka-Sverige/Avgifter.html>.

<sup>49</sup> Your Europe Advice, Quarterly Feedback Report No. 5, Quarter 3/2013 (July – September).

<sup>50</sup> SOLVIT Sverige, SOLVIT Sverige 2014 – Ett urval av intressanta ärenden under året, Kommerskollegium's website, available at <http://www.kommers.se/Documents/dokumentarkiv/publikationer/2015/Publ-solvit-sverige-2014.pdf>.

<sup>51</sup> Your Europe Advice, Quarterly Feedback Report No. 3, Quarter 1/2013 (January – March), Your Europe Advice, Quarterly Feedback Report No. 4, Quarter 2/2013 (April – June), Your Europe Advice, Quarterly Feedback Report No. 6, Quarter 4/2013 (October-December), Your Europe Advice, Quarterly Feedback Report No. 7, Quarter 1/2014 (January-March), Your Europe Advice, Quarterly Feedback Report No. 8, Quarter 2/2014 (April – June), Your Europe Advice, Quarterly Feedback Report No. 9, Quarter 3/2014 /July – September), Your Europe Advice, Quarterly Feedback Report No. 10, Quarter 4/2014 (October - December), Your Europe Advice, Quarterly Feedback Report No. 11, Quarter 1/2015 (January-March), Your Europe Advice, Quarterly Feedback Report No. 12, Quarter 2/2015 (April – June), Your Europe Advice, Quarterly Feedback Report, Quarter 3/2015 (July – September), Your Europe Advice, Quarterly Feedback Report No. 14, Quarter 4/2015. The National Board of Trade also highlighted this issue in 2014: Moving to Sweden – Obstacles to the Free Movement of EU Citizens, 2014:2, May 2014 Kommerskollegium website, available at: [http://www.kommers.se/Documents/dokumentarkiv/publikationer/2014/Moving-to-Sweden\\_webb.pdf](http://www.kommers.se/Documents/dokumentarkiv/publikationer/2014/Moving-to-Sweden_webb.pdf)

<sup>52</sup> Tid till beslut, Migration Agency website, available at: <http://www.migrationsverket.se/Privatpersoner/EU-medborgare-och-varaktigt-bosatta/Tid-till-beslut.html> .

### 2.2.3. Access to social security and healthcare

See section 2.1.3 above. There is no difference in the interpretation and application of the rules on access to social security and healthcare in relation to family members, compared to EU citizens themselves.

### 2.2.4. Others

See section 2.1.4. above. There are no other recurring issues/obstacles related to third country national family members of EEA citizens.

### 3. DISCRIMINATORY RESTRICTIONS TO FREE MOVEMENT

#### KEY FINDINGS

- There are **few reports** on recent cases of **discrimination on the basis of nationality**, and **none on the basis of sexual orientation**.
- **Same-sex marriages** are treated in the same way as different-sex marriages under Swedish law.
- Many cases concerning **discrimination based on ethnic/racial origin** involving EU citizens relate to discrimination against **Roma**, who risk being subjected to discrimination in various ways in Swedish society, ranging from being denied accommodation to being mistreated in hotels and shops. This not only makes everyday life for EU citizens of Roma ethnicity difficult, but may have the long-term effect of dissuading these EU citizens of Roma ethnicity to exercise their free movement rights and move to Sweden.

#### 3.1. Discrimination based on nationality

There are no reported or documented recurrent discriminatory restrictions to free movement or residence rights on the ground of nationality. Sweden implemented no transitional measures for either Romanian or Bulgarian nationals following their accession to the EU.

#### 3.2. Discrimination based on civil status/sexual orientation

**Sweden does not discriminate on the basis of sexual orientation or civil status in terms of free movement rights.** Since 2009 same-sex marriages are recognised as being equal to different-sex marriages, and therefore any reference to 'marriage' or 'spouse' in Swedish legislation refers to both same-sex marriages and different-sex marriages. There is no difference in treatment between same-sex spouses of EU citizens/their family members and nationals as regards free movement, entry and residence rights. The same applies to cohabiting partners<sup>53</sup>. In order for a cohabiting partner to be recognised as a family member enjoying rights under the Directive, it is sufficient that the parties continuously live together as a couple and share a household.<sup>54</sup> No registration is necessary.

#### 3.3. Discrimination based on ethnic/racial origin

There are few reported instances of discrimination based on ethnic/racial origin in Sweden. Most concern people of **Roma** descent, and often concerns denial of access to **accommodation or services** in Swedish society. Such discrimination indirectly risks impeding free movement by making life difficult for certain EU citizens who have moved to Sweden, or by making Sweden less attractive to EU citizens of a certain ethnic origin.

A series of actions were taken by the **Swedish Ombudsman for Discrimination** (*Diskrimineringsombudsmannen*) and by **Swedish Courts** to redress instances of discrimination against Roma:

<sup>53</sup> Prop. 2005/06:77, p. 71.

<sup>54</sup> Section 1 Act on cohabiting partners.

- In 2014 the Swedish Ombudsman for Discrimination sued a hotel in Stockholm for refusing a Roma woman staying at the hotel access to the hotel restaurant. The woman had been specifically invited to Stockholm by the Swedish government to speak at a ceremony held to present the White paper on discrimination and fundamental rights violations against Roma. The parties settled out of court. The hotel agreed to donate 100,000 SEK to the Swedish International Roma Film Festival and to educate its staff on equal treatment<sup>55</sup>.
- In 2013 the Ombudsman sued a petrol station company, Statoil AB, for refusing car rental to a Roma woman and a Roma couple. The woman and the couple had taken part in a Swedish radio show that recorded the event with hidden microphones. After the Roma woman and couple had left the petrol station, a man of Swedish ethnic origin had entered the petrol station and asked to rent a car and had been allowed to do so. This was also recorded. The parties again settled out of court, with Statoil conceding to having discriminated against the couple and the woman. They agreed to take measures to prevent similar events in the future<sup>56</sup>.
- In 2013 the Ombudsman sued a Swedish landlord for terminating a woman's rental agreement the day after she had received the keys to the apartment, stating he did not want her to live there because she was a 'gypsy'. The parties settled out of court, with the woman receiving compensation amounting to 50,000 SEK. The landlord denied allegations of discrimination<sup>57</sup>.
- In 2012 the Ombudsman sued a landlord for telling one of his tenants that she could no longer stay in her apartment if she or her visitors continued to wear the clothes they were wearing. The woman was too scared to stay in the apartment and moved. The parties settled out of court and the woman was awarded 37,500 SEK in compensation for having been discriminated against on the ground of ethnic origin.
- In 2010 the Göta Court of Appeal (swe. *Göta Hovrätt*) upheld a District Court judgment sentencing a hotel to pay 8,000 SEK to a Roma woman for treating her badly while she was attending a conference. For example, the staff had told her several times that the coffee served at the conference was only for hotel guests<sup>58</sup>.
- In 2009 the Court of Appeal for Western Sweden (swe. *Hovrätten för västra Sverige*) sentenced a landlord to pay 40,000 SEK in compensation to the victims for discriminating against a Roma man by refusing to rent an apartment to him because he was Roma<sup>59</sup>.
- In 2009 the Stockholm District Court sentenced a medical doctor to pay 60,000 SEK in compensation to the victims for making sweeping generalisations in a written medical statement about people from the Mediterranean being unwilling to work and

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<sup>55</sup> Sheraton/Förvaltningsaktiebolaget Tegelbacken, ANM 2014/1725, Diskrimineringsombudsmannen website, available at: <http://www.do.se/lag-och-ratt/diskrimineringsarenen/sheraton/>.

<sup>56</sup> Statoil AB, ANM 2013/829, ANM 2013/830, Diskrimineringsombudsmannen website, available at: <http://www.do.se/lag-och-ratt/diskrimineringsarenen/statoil-ab/>; Nacka Fourm Bil & Butik AB (Statoil), ANM 2013/828, available at: <http://www.do.se/lag-och-ratt/diskrimineringsarenen/nacka-forum-bil-butik-ab-statoil/>.

<sup>57</sup> Hyresvärd i Filipstad, ANM 2011/981, Diskrimineringsombudsmannen website, available at: <http://www.do.se/lag-och-ratt/diskrimineringsarenen/hyresvard-filipstad/>.

<sup>58</sup> Judgement by the Göta Court of Appeal, Case T 3065-09, judgement delivered 2010-05-19.

<sup>59</sup> Judgment by the Court of Appeal for Western Sweden, Case T-3501-08, judgment delivered 2009-01-15.



for stating that the only rehabilitation available was a 'one-way ticket to Greece'. This medical statement had contributed to the Försäkringskassan's decision to deny sick pay to the victims<sup>60</sup>.

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<sup>60</sup> Judgment by the Swedish District Court, T 16183-06, judgement delivered 2009-12-10.

## 4. MEASURES TO COUNTER ABUSE OF RIGHTS

### KEY FINDINGS

- The Aliens Act provides that a family member does not have the right to stay in cases of **marriages or cohabitation partnerships of convenience or sham adoptions**.
- There have been **no reported cases** where the relevant provision of the Aliens Act has been applied.

### 4.1. Marriage of convenience

Chapter 3a Section 4 Paragraph 3 of the Aliens Act provides that there is **no right to stay** in Sweden for family members of EU citizens where a **marriage has been entered into solely with a view to obtaining a right to stay** in Sweden.

In 2009 the Migration Court of Appeal examined a case where it found obvious that the spouses did not have an actual relationship, and that the case law of the CJEU provided that EU law could not be invoked in instances of abuse or fraud. It held that a marriage that had been entered into solely for the purpose of circumventing the rules on entry and residence could not form the basis for a right of stay for the third country national<sup>61</sup>.

This judgment was later codified through the introduction of Chapter 3a Section 4 Paragraph 3 in the Aliens Act<sup>62</sup>. It was modelled after an existing provision for residence permits, which allowed for denial of a residence permit in cases of marriages or cohabitation partnerships of convenience and sham adoptions.

In assessing whether a marriage is a marriage of convenience, important factors may include whether the spouses have met before getting married, whether they share a common language, whether they have knowledge of each other's personal information, such as names, birthday, etc., under what circumstances they became acquainted and other important personal circumstances. Other factors include whether money or gifts have been exchanged between the parties, or if either party has previously been in a marriage of convenience or if they got married after a decision on expulsion had been made<sup>63</sup>. **All relevant circumstances must be taken into consideration in each individual case**<sup>64</sup>.

Apart from the 2009 judgment of the Migration Court of Appeal, there are no cases or petitions concerning marriages of convenience of family members of EU citizens.

There is no indication that the provision on marriages of convenience in the Aliens Act constitutes an obstacle to free movement.

<sup>61</sup> Judgment by the Migration Court of Appeal on 26 March 2009, MIG 2009:11.

<sup>62</sup> Travaux préparatoires, prop. 2013/14:81, p. 29.

<sup>63</sup> Wikrén, G. & Sandesjö, H., *Utlänningslagen med kommentarer*, version 10 May 2015.

<sup>64</sup> Travaux préparatoires, prop. 2013/14:81, p. 42-43.

## 4.2. Fraud – cohabitation partnerships of convenience and sham adoptions

Chapter 3a Section 4 Paragraph 3 also states that if a **cohabitation partnership** has been entered into, or an **adoption** has taken place, **solely with a view of obtaining the right to stay**, the partner or adopted person shall not have a right to stay in Sweden as a family member of an EEA citizen.

In addition, a foreigner may be **prosecuted** and sentenced to a **fine** or a maximum of six months imprisonment under the Aliens Act if he or she gives false information or deliberately fails to give information that may be of relevance in a case concerning applications or registration under the Aliens Act<sup>65</sup>.

There are **no cases or petitions** concerning sham adoptions or cohabitation partnerships of convenience, nor is there any indication that this provision in the Aliens Act constitutes an obstacle to free movement.

There are no other measures in place to combat fraud as provided for in the Directive.

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<sup>65</sup> Chapter 20 Section 6 Aliens Act.

## 5. REFUSAL OF ENTRY OR RESIDENCE AND EXPULSIONS OF EU CITIZENS AND THEIR FAMILY MEMBERS

### KEY FINDINGS

- It has **not been possible to obtain relevant statistics** on refusal of entry, refusal of residence or expulsion of EU citizens. Neither the Police, the Migration Agency, the Department of Justice or the national statistics service have been able to provide any statistics or information on refusal of entry, refusal of residence or expulsion cases. This is because refusal of entry or expulsion of EU citizens and their family members occurs in practice only in cases of serious crime, as is clear from the above description of Sweden's transposition of the Directive.
- In 2011 the Riksdag's **Ombudsman** criticised the Swedish police for having **refused** Romanian citizens **entry** on the grounds that they were beggars.
- An EU citizen or their family members can only be **expelled** if their personal conduct represents a genuine, present and sufficiently **serious threat** to one of the fundamental interests of society, and which goes beyond the disruption of order in society that each violation of the law constitutes.

### 5.1. Refusal of entry or residence

In 2014 the Aliens Act was amended to reflect Articles 27-28 of the Directive (restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health) more precisely<sup>66</sup>. Specific provisions mirroring the wording of both Articles have now been introduced, **bringing Swedish legislation in line with the Directive**.

Public authorities in Sweden are independent, and take their own decisions on restricting the right to free movement and residence rights based on public policy, public security or public health. The Swedish Constitution prohibits other authorities, the government or Parliament from interfering with an authority's decision in a specific case. However, public authorities are bound by the principle of legality and cannot make decisions that lack a legal basis<sup>67</sup>. **Decisions on refusal of entry or expulsion** taken by the police or by the Migration Agency **can be appealed** to the Migration Agency where the police were acting in the first instance, or to a migration court in certain cases or where the Migration Agency was acting in the first instance<sup>68</sup>.

Within the first three months of stay in Sweden, an EU citizen and their family members can be **refused entry and residence in Sweden and be forced to leave** if they lack the required passports or visas, if they, without a right to stay, become an unreasonable burden on the social assistance system (see Section 1.2.1 above), **or on grounds of public policy or public security**. In the latter case, the **safeguards** listed in Article 28 of the Directive must be taken into consideration<sup>69</sup>. **Public health** is **not** a ground for refusal of entry and residence.

<sup>66</sup> Travaux préparatoire, prop. 2013/14:82.

<sup>67</sup> Chapter 12 Section 2 and Chapter 1 Section 1 Instrument of Government (Regeringsformen), Kungörelse (1975:152 om beslutad ny regeringsform, issued 1974-03-28, last amended 2014.12.05).

<sup>68</sup> Chapter 14 Sections 1-3 Aliens Act.

<sup>69</sup> Chapter 8 Sections 8-11 Aliens Act.

A person may only be forced to leave Sweden on the ground of becoming an **unreasonable burden** on the social assistance system in very specific circumstances<sup>70</sup>, – if he or she has already entered Sweden under Article 6 of the Directive (right of residence for up to three months) *and* has then, during the three month period in question, become an unreasonable burden by engaging the social services system a significant number of times (in line with Article 14 of the Directive). To-date, there are **no examples in the case law** of Chapter 8 Section 9 of the Aliens Act (i.e. a person being forced to leave for being an unreasonable burden on the social assistance system) ever having been applied.

In 2011 the **Parliament's Ombudsman** (swe. *justitieombudsmannen*), criticised the Stockholm police for having refused entry to 26 Romanian **Roma** on the ground that they would beg in Sweden. The Ombudsman's decision was based on the previous provisions in Chapter 8 of the Aliens Act. Begging is not a crime under Swedish law and there was no proof of any criminal conduct. There was not sufficient evidence that the begging was organised, or that any of the EU citizens were involved in human trafficking. The Ombudsman criticised the police for having refused the EU citizens entry without a legal basis, and held that EU law prevents a person from being refused entry simply because it can be presumed that he or she will beg in Sweden<sup>71</sup>.

There is **no other practice or case law on refusal of entry or residence of EU citizens or their family members**. If an EU citizen and their family members can identify themselves, they will not be refused entry into Sweden.

## 5.2. Expulsions of EU citizens and their family members

The Aliens Act allows for **expulsions** of EU citizens and their family members when they lack the necessary permits to stay in Sweden, on grounds of public policy and public security, or when the EU citizen or family member has committed a crime of a certain severity and the expulsion is made on grounds of public policy or public security<sup>72</sup>. There is **no provision for a person to be expelled** from Sweden because he or she has become **an unreasonable burden on the social assistance system**. The **safeguards** listed in Article 28 of the Directive must be taken into consideration<sup>73</sup>.

When the Directive was transposed into Swedish law, the legislature opted not to make public health a ground for expulsion. There were no similar rules allowing for expulsion on grounds of health in Swedish law, and the government stated that it saw no reasons to introduce such a provision.<sup>74</sup>

Available reports of cases of expulsion of EU citizens all relate to **expulsion in connection with a criminal conviction**.

The leading case is the **Supreme Court** judgment in NJA 2014 s. 415. In this case, the Supreme Court held that an EEA citizen can only be expelled on grounds of public policy and public security, citing the new provisions in Chapter 8 in the Aliens Act and the Directive. The case concerned a Polish citizen sentenced to one month in prison for theft. The Supreme

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<sup>70</sup> Wikrén, G. & Sandesjö, H., *Utlänningslagen med kommentarer*, version 10 May 2015.

<sup>71</sup> The Riksdag's Ombudsman, *Allvarlig kritik mot Polismyndigheten i Stockholms län, som avvisat utläningar med motiveringen att dessa ägnade sig åt tiggeri och dagdriver*, dnr 6340-2010, 2011-06-28.

<sup>72</sup> Chapter 8 Sections 10-11 and Chapter 8a Section 5 Aliens Act.

<sup>73</sup> Chapter 8 Sections 12-14 and Chapter 8a Section 5 Aliens Act.

<sup>74</sup> Travaux préparatoire, prop. 2005/06:77, p. 78.

Court held that the Aliens Act had to be interpreted in light of Articles 27-28 of the Directive and the case law of the CJEU, and should, therefore, be given a restrictive interpretation. An EU citizen can only be expelled if their personal conduct represents a genuine, present and sufficiently serious threat to one of the fundamental interests of society, and which goes beyond the disruption of order in society that each violation of the law constitutes. In this case, the defendant was unemployed, homeless, lacked any connection to Sweden, had previously been sentenced for theft in Sweden and had no means to support himself. However, the crime for which the EEA citizen had been sentenced - theft of goods with a relatively low value (approx. EUR 200) - could not be considered a genuine and serious threat to one of the fundamental interests of society and going beyond the violation of order that it constituted. Furthermore, the Court held that it would **not be proportionate to expel the EU citizen**, and he was not expelled<sup>75</sup>.

In the period **2013-2015, almost 40 cases** have been reported where an EU citizen has been **expelled after committing a crime**<sup>76</sup>.

<sup>75</sup> Judgement by the Supreme Court, Case NJA 2014 s. 415, judgment delivered 2014-06-03. There is no express mention of the principle of proportionality in the provisions on expulsion. However, there is a general provision in Chapter 1 Section 8 of the Aliens Act stating that the Act shall be applied to the effect that the freedom of a foreigner is not restricted more than what is necessary in every individual case. Also, it follows very clearly from the travaux préparatoire that the principle of proportionality needs to be respected (see prop. 2014/14:82, s. 57).

<sup>76</sup> Judgement by the Södertörn District Court ('Södertörns tingsrätt'), B 11475-15, 2015-10-22, upheld by the Svea Court of Appeal, B 9931-15, 2015-12-03; judgement by the Borås District Court (Borås tingsrätt), B 1397-15, 2015-07-27, upheld by the Court of Appeal for Western Sweden ('Hovrätten för västra Sverige', B3892-15, 2015-10-06; judgement by the Södertörn District Court, B 2243-14, upheld by the Svea Court of Appeal, B 7578-15, 2015-09-21; judgement by the Uppsala District Court ('Uppsala tingsrätt'), B 1414-15, 2015-07-03, upheld by the Svea Court of Appeal, B 6258-15, 2015-09-17, judgement by the Örebro District Court ('Örebro tingsrätt'), B 2248-15, 2015-06-16, upheld by the Göta Court of Appeal ('Göta hovrätt'), B 1695-15, 2015-08-17; judgement by the Södertörn District Court, B 13868-14 2015-05-18, upheld by Svea Court of Appeal, B 5184-15, 2015-07-24; judgement by the Varberg District Court ('Varbergs tingsrätt'), B 1047-15, 2015-06-05, upheld by the Court of Appeal for Western Sweden, B 3122-15 2015-07-08; judgement by the Svea Court of Appeal, B 4894-15, 2015-06-29; judgement by Borås District Court, B 220-15, 2015-04-10, upheld by the Court of Appeal for Western Sweden, B 2316-15, 2015-06-11; judgement by Kalmar District Court ('Kalmar tingsrätt'), B 3810-14, 2014-12-23, upheld by the Göta Court of Appeal in B 169-15, 2015-02-27; judgement by Lund District Court ('Lunds tingsrätt'), B 2047-14, 2014-10-31, upheld by Court of Appeal for Skåne and Blekinge ('Hovrätten över Skåne och Blekinge'), B 3116-14; judgement by the Malmö District Court ('Malmö tingsrätt'), B 10317-13, 2014-11-24, upheld by the Court of Appeal for Skåne and Blekinge, B 2894-14, 2014-11-24; judgement by the Svea Court of Appeal, B 8385-14, 2014-11-07; judgement by Kalmar District Court, B 1468, 2014-08-13, upheld by Göta Court of Appeal in B 2411-14, 2014-10-07; judgement by the Göteborg District Court ('Göteborgs tingsrätt'), B 2969-14, 2014-06-25, upheld by the Court of Appeal for Western Sweden, B 3625-14, 2014-09-04; judgement by the Court of Appeal for Skåne and Blekinge, B 1874-13, 2014-09-04; judgement by the Malmö District Court, B 11399-13, 2014-06-04, upheld by the Court of Appeal for Skåne and Blekinge, B 2189-14, 2014-09-02; judgement by the Jönköping District Court ('Jönköping tingsrätt'), B 1099-14, 2014-05-02, upheld by the Göta Court of Appeal, B 1505-14, 2014-07-01; judgement by Stockholm District Court (Stockholms tingsrätt), B 4926-14, 2014-04-25, upheld by the Svea Court of Appeal, B 4824-14, 2014-06-26; judgement by Jönköping District Court, B 408-14, 2014-04-24, upheld by the Göta Court of Appeal, B 1365-14, 2014-06-24; judgement by the Örebro District Court, B 94-14, 2014-06-23, upheld by the Göta Court of Appeal, B 1604-14, 2014-06-23; judgement by Gävle District Court, B 524-14, 2014-04-15, upheld by the Court of Appeal for lower Norrland ('Hovrätten för nedre Norrland'), B 608-14, 2014-06-17; judgement by Malmö District Court, B 2086-14, 2014-04-28, upheld by the Court of Appeal for Skåne and Blekinge, B 1378-14, 2014-06-13; judgement by the Värmland District Court ('Värmlands tingsrätt'), B 839-14, 2014-03-31, upheld by the Court of Appeal for Western Sweden, B 2562-14, 2014-05-28; judgement by Luleå District Court ('Luleå tingsrätt'), B 720-14, 2014-04-02, upheld by Court of Appeal for upper Norrland ('Hovrätten för övre Norrland'), B 341-14, 2014-05-15; judgement by Malmö District Court, B 9908-13, 2014-03-17, upheld by the Court of Appeal for Skåne and Blekinge, B 903-14, 2014-05-09; judgement by the Göteborg District Court, B 12267-13, 2014-02-07, upheld by the Court of Appeal for Skåne and Blekinge, B 1725-14, 2014-04-14; judgement by the Göteborg District Court, B 9893-13, 2014-01-03, upheld by the Court of Appeal for Skåne and Blekinge, B 1370-14, 2014-04-02; judgement by the Värmland District Court, B 5057-13, 2014-01-27, upheld by the Court of Appeal for Western Sweden, B 1571-14, 2014-03-31; judgement by the Göteborg District Court, B 16290-13, 2014-01-13, upheld by the Court of Appeal for Western Sweden, B 1449-14, 2014-02-10; judgement by Varberg District Court, B 2734-13, 2013-12-17, upheld by Court of Appeal for Western Sweden, B 1009-14, 2014-01-28; judgement by the Malmö District Court, B 4037-13, 2013-10-25, upheld by the Court of Appeal for Skåne and Blekinge, B 3025-13, 2013-12-20; judgement by Uddevalla District Court (Uddevalla tingsrätt), B 630-13, 2013-05-02, upheld by the Court of Appeal for Western Sweden, B 3727-13, 2013-12-19; judgement by Gävle District Court, B 2574-13, 2013-10-18, upheld by the Court of Appeal for lower Norrland, B 1212-13, 2013-11-29; judgement by Helsingborg District

The Your Europe Advice, Quarterly Feedback Report No. 2 mentions that, for that reporting period, one case was reported where an EU citizen was expelled from Sweden on economic grounds<sup>77</sup>. No further documentation on this case has been found, and it can be assumed that this will only happen in very exceptional circumstances (see above for a description of the transposition of the Directive in Sweden).

In 2009, before the legislative amendments to the Aliens Act were made, the Migration Court of Appeal ruled in a case where a third country national married to an EU citizen living in Sweden had been sentenced by a Danish court to three-and-a-half years imprisonment for a serious drug-related crime. The Migration Court of Appeal referred to its earlier case law stating that drug-related crimes are of such a character as to constitute a direct threat to human life and health. The Court therefore found that the severity of the crime, and circumstances of the criminal case, were such as to show that the third country national's personal conduct constituted a genuine and serious threat to the fundamental interests of society. It therefore held that he should be expelled<sup>78</sup>.

There are no trends or recurring cases of expulsion in Sweden, except those relating to **serious crime**.

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Court ('Helsingborgs tingsrätt'), B 7397-12, 2013-06-24, upheld by the Court of Appeal for Skåne and Blekinge, B 1796-13, 2013-10-21; judgement by Stockholm District Court, B 16549-12, 2013-07-05, upheld by Svea Court of Appeal, B 7269-13, 2013-10-21; judgement by Jönköping District Court, B 2405-13, 2013-08-16, upheld by the Göta Court of Appeal, B 277-13, 2013-10-07; judgement by the Attunda District Court ('Attunda tingsrätt'), B 4202-13, 2013-07-08, Svea Court of Appeal, B 7386-13, 2013-09-12.

<sup>77</sup> Your Europe Advice, Quarterly Report, Quarter 3/2012 (July-September).

<sup>78</sup> Judgment by the Migration Court of Appeal, MIG 2009:21, judgement delivered on 2009-06-03.

## 6. CONCLUSIONS

In 2014 the Aliens Act and Aliens Ordinance were amended to **improve transposition** of the Directive, which is now deemed **satisfactory**.

The few **persisting barriers** to free movement of persons are of a **practical nature**, but nonetheless have a considerable impact on the everyday lives of the EU citizens affected.

The Swedish Tax Authority's reported **refusal to accept any proof of medical insurance** other than the S1 form presents a major practical obstacle for persons moving to Sweden. In the event absence of this form, the person in question will not be registered in the public population registry and will **not obtain a personal number**, which is **necessary in order to access various services** in Swedish society, e.g. to open a bank account, receive a salary, take out loans, insurances, subscriptions, telecommunication services, etc.. Without a personal number, access to various everyday services is greatly impeded and **freedom of movement is *de facto* impacted**.

**Roma** continue to be **at risk of ethnic discrimination** in Sweden, chiefly by service providers. The Discrimination Ombudsman has lodged several lawsuits against various actors for discrimination against Roma in multiple ways, e.g. by hindering them from accessing certain services, or taking up accommodation.

In recent years there has been much **debate** about EU migrants in Sweden, in particular **EU citizens from Romania and Bulgaria of Roma origin**. This is largely due to the perceived increase in numbers of people begging in Sweden. The Ombudsman has criticised Swedish police for refusing entry to Romanian Roma on the grounds that they were going to beg in Sweden.

Sweden has introduced **measures to combat fraud**, suspending the right to stay in cases of marriages or cohabitation partnerships of convenience, or sham adoptions. There is no relevant case law or reported issues with regard to this provision.

The competent authorities have not been able to provide any statistics on refusals of entry and expulsions.

EU citizens are **expelled** from Sweden only very rarely, when they have been convicted of committing sufficiently **serious crimes**. Reports of refusals of entry are very scarce, with the only available report being the refusal of entry of EU citizens on the assumption that they were intending to beg for money in Sweden.

In conclusion, while **transposition** of the Directive is **satisfactory**, **practical barriers remain** that can impede the exercise of free movement rights of all EU citizens and their family members in a very significant way. Complaints about not receiving a personal number are frequent and recurring, as are complaints about the length of time taken to issue residence cards for family members of EU citizens. The responsibility for both of these practical barriers lies with the Swedish Tax Authority, which insists on applying rigid requirements of proof of adequate health insurance, effectively hindering the exercise of free movement.

Another serious issue is the recurrent discrimination of people of Roma origin, a trend that negatively affects EU citizens and Swedish citizens alike. While this discrimination might not



constitute as tangible a barrier to free movement as the Swedish Tax Authority's inflexible rules, it may nevertheless work to discourage EU citizens and family members of the Roma ethnicity from moving to, or staying in, Sweden, thereby impacting on their right to free movement.

## ANNEX I: TRANSPOSITION OVERVIEW TABLE

**Table 1: Transposition overview**

Directive's provisions	National provisions	Assessment	Changes since 2008
<p>Article 3(2) Beneficiaries:</p> <ul style="list-style-type: none"> <li>• Family members</li> <li>• Partners</li> </ul>	<p><i>Chapter 3a Section 2, Chapter 3a Section 4 Aliens Act</i></p>	<p><b>In line with the Directive</b> In line with the Directive for other family members (Article 3.2.b) More favourable than the Directive for cohabiting partners, as these in Swedish law are considered as direct family members under Article 2 of the Directive instead of "beneficiaries" under Article 3(2) of the Directive.</p>	<p>As a result of the Commission's criticism of Sweden in the 2008 report, Sweden included a fourth paragraph in Chapter 3a Section 2 of the Aliens Act, specifying 'other family members'.</p> <p>Following the CJEU case <i>Eind</i> the Swedish Government also included the specific provision on family members of Swedish citizens returning to Sweden after having exercised their free movement.</p>
<p>Articles 5(1) and 5(2) Right of entry</p> <ul style="list-style-type: none"> <li>- No entry visa or equivalent formality may be imposed on Union citizens.</li> <li>- To facilitate granting third country family members the necessary entry visas</li> </ul>	<p><i>Chapter 2 Section 8a Aliens Act</i></p> <p><i>Chapter 3 Section 1 Paragraph 2 Aliens Ordinance</i></p> <p><i>Chapter 3 Section 11 Aliens Ordinance (Utlänningsförordning 2006:97)</i></p> <p><i>Chapter 8 Section 11</i></p>	<p><b>In line with the Directive</b> Chapter 8 Section 9 of the Aliens Act allows in principle for refusal of (re-)entry for a stay of up to three months on grounds of being an unreasonable burden on the social assistance system. Nevertheless, the right to entry and the right to residence are closely linked, and an EU citizen or family member could only be withdrawn the right of residence of up to three months if he or she had already entered Sweden under Article 6 of the Directive (right of residence for up to three months) <i>and</i> has then, during the three month period in question, become an unreasonable burden by engaging the social services system a significant number of times (in line with Article 14 of the Directive). Moreover, so far the provision appears to never have been applied in practice, nor is it very likely to, in the view of the authors</p>	<p>No major changes. However, since 2008 it has been specified in Chapter 3 Section 11 Aliens Ordinance that an application for a visa lodged by such a family member of an EEA citizen as listed in Chapter 3 a Section 2 Aliens Act (all family members) must be processed in an expedited manner.</p>

		<p>Also, there is no express provision in the Aliens Act or the Aliens Ordinance corresponding to Article 5, paragraph 4 in the Directive according to which, where a family member who is not a national of a Member State does not have the necessary visas, the Member State concerned shall, before turning them back, give such persons every reasonable opportunity to obtain the necessary documents or have them brought to them within a reasonable period of time or to corroborate or prove by other means that they are covered by the right of free movement and residence.</p>	
<p>Article 6 Right of residence for up to three months without any conditions or any formalities other than an ID</p>	<p><i>Chapter 2 Section 5 Aliens Act</i>  <i>Chapter 8 Section 8 Aliens Act</i></p>	<p><b>In line with the Directive</b> Sweden has not explicitly transposed Article 6 of the Directive. However, the right for an EEA citizen and their family members to stay in Sweden follows directly from Chapter 2 Section 5 Aliens Act (i.e. a foreigner who stays in Sweden over three months must have a residence permit); before the expiry of the three months, no requirements are imposed on EEA citizens or their family members with respect to their right to stay, except for the requirement under Chapter 8 Section 8 Aliens Act according to which an EEA citizen or a family member of an EEA citizen may be refused entry in connection with arriving in Sweden or during the first three months after having arrived if he or she lacks a passport or a visa when such a document is required for entry into or residence in Sweden. Still, entry may not be refused on the grounds that the EEA citizen or their family members lack a</p>	<p>No changes.</p>

		passport, if he or she can prove their identity to any other means.	
Articles 7(1) and 7(2) Right of residence more than three months for EU citizens and their family members based on employment, sufficient resources or student status	<i>Chapter 3a Section 3, Chapter 3a Section 4 Aliens Act</i>	<b>In line with the Directive</b> More favourable than the Directive for job-seekers, as Chapter 3a Section 3 Aliens Act allows an EEA citizen the right to stay in Sweden if he or she has come to Sweden to seek employment and has a genuine chance of becoming employed	In 2014, after the Commission criticised Sweden's transposition of Article 7(4), the restriction was removed with regard to which 'family members' were entitled to an automatic right to stay when the EEA citizen was a student (spouse or co-habiting partner and children under the age of 21). Today, the categories of family members who may acquire the right to stay are the same for all EEA citizens who themselves have a right to stay, including students.
Article 14 Retention of residence rights as long as they do not become an unreasonable burden on the social assistance system	<i>Chapter 3a Sections 5a-5d, Chapter 8 Section 9 Aliens Act</i>	<b>In line with the Directive</b>	The rules transposing Articles 12-14 were moved from the Aliens Ordinance to the Aliens Act in 2014. No substantive changes were made.
Article 16 Right of permanent residence	<i>Chapter 3a Section 6, Chapter 3a Section 7, Chapter 3a Section 8, Chapter 3a Section 9 Aliens Act</i>	<b>In line with the Directive</b>	In 2014, a change in the legislation allowed the Government to issue ordinances regarding the right of permanent residence under Article 18. The rules specifically transposing Article 16 remain unchanged.

<p>Article 24(1) Equal treatment</p>	<p>Section 4, 5, 6, 7 Financial Aid for Studies Act<sup>79</sup></p>	<p><b>Gap in transposition</b> There is no express transposition in the Aliens Act of Article 24, except as concerns financial aid for studies. Four new sections in this act (<i>Studiestödslagen 1999:1395</i>) state that, with regard to financial aid for studies, foreign citizens shall be treated as Swedish citizens if they due to employment or establishment as self-employed persons can derive rights relating to social benefits from EU law and EEA law. This also applies to family members, foreign citizens with a right of permanent residence, citizens with long-term residence and certain foreign citizens who derive rights relating to family benefits from EU law (e.g. visiting research-workers). The right to equal treatment of EU citizens and their family members follows from the directly applicable and effective provisions in the TEU and the TFEU, as well as the Swedish constitutional provisions on accession to the EU (supremacy of EU law).</p>	<p>2014 saw the inclusion of the right of family members of Swedish citizens who have exercised their right to free movement and who are employees or self-employed in Sweden to be treated as equal to Swedish citizens under the Financial Aid for Studies Act.</p>
<p>Article 27 Restriction on the freedom of movement and residence of Union citizens and their family members, on grounds of public policy, public security or public health</p>	<p>Chapter 8 Section 11, Chapter 8 Section 12 Aliens Act</p>	<p><b>In line with the Directive</b> Chapter 8 Sections 11 and 12 are in line with Article 27 of the Directive. They are also more favourable than the Directive as Sweden has chosen not to transpose the exception allowing Member States to restrict free movement on grounds of public health.</p>	<p>In 2014, Chapter 8 was re-structured in order to clarify the rules on refusal of entry and expulsion of EU citizens and their family members. Changes were mostly editorial, but a new provision was included, allowing for refusal of entry on grounds of public security and public policy. Previously, the legislation had only allowed for <i>expulsion</i> on grounds of public security or public policy. The provision has been extensively discussed above. The provision on expulsion and refusal of entry of EEA citizens who are</p>

<sup>79</sup> Studiestödslag (1999:1395), 1999-12-16.

			children was also included. Chapter 8 Section 12 was also amended to align the wording with that of the Directive.
Article 28 Protection against expulsion	<i>Chapter 8 Section 13, Chapter 8 Section 14, Chapter 8a Section 5 paragraphs 2-3, Chapter 8a Section 2, Chapter 8a Section 3 Aliens Act</i> [...]	<b>In line with the Directive</b>	As explained right above, Chapter 8 was re-structured in order to clarify the rules on refusal of entry and expulsion of EU citizens and their family members. As concerns the rules on protection against expulsion, the changes were only editorial.
Article 35 Abuse of rights	<i>Chapter 3a Section 4 Paragraph 3, Chapter 13 Section 10, Chapter 14 Section 5 b Aliens Act, Public Administration Act (1986:223)<sup>80</sup> Section 21</i>	<b>In line with the Directive</b>	This provision was included in the Aliens Act in 2014, after a judgment by the Migration Court of Appeal in 2009. In the judgment, the court held that it followed from the case law of the CJEU that EU law may not be invoked in cases of abuse or fraud. The family members of an EU citizen could not, therefore, be given a right to stay when the marriage was only entered into in order to circumvent rules on entry and stay for third country nationals. The law was changed to reflect this development in the case law. The provision was modelled after an existing provision on residence permits, which allowed for denial of a residence permit in cases of marriages or cohabitation partnerships of convenience and sham adoptions.

<sup>80</sup> Förvaltningslag (1986 :223), 1986-05-27.

## ANNEX II: DATA ON REFUSALS AND EXPULSIONS

**Table 1: Data on refusal of entry, refusal of residence and expulsions**

Data	2012	2013	2014	2015 if available	Reasons
Refusal of entry	N/A	N/A	N/A	N/A	N/A
Refusal of residence	N/A	N/A	N/A	N/A	N/A
Expulsion	N/A	9	20	10	Criminal sentence

**Source: Case law**

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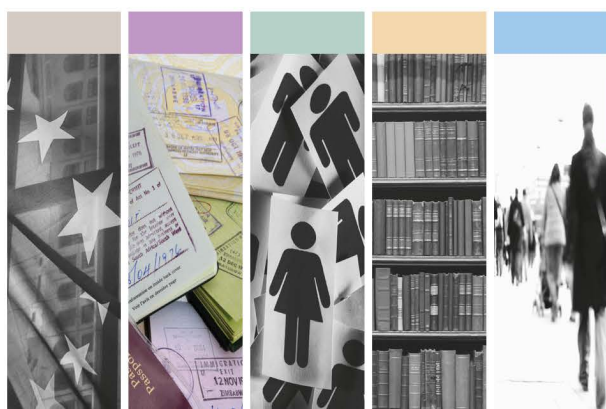
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