How to apply for asylum

FOR CHILDREN WHO ARE APPLYING FOR ASYLUM WITH A PARENT OR OTHER GUARDIAN
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This brochure is for you who have arrived with a parent or other guardian and applied for asylum (protection) in Sweden.

Naturally this brochure can also be useful to anyone who wants to know more about what asylum is and how to apply for asylum. Here we will describe the stages of how to apply for asylum.

The brochure can be read in different ways. You can either read the entire brochure from the first page to the last, and learn about what happens when you have applied for asylum. You can also read the chapter that describes the stage that you and your family are at.

The Swedish Migration Agency is the authority in Sweden that considers applications from people applying for asylum. The Migration Agency also considers applications from people wishing to visit or settle in Sweden. The Migration Agency also considers applications for Swedish citizenship.

www.migrationsverket.se

At the end of this brochure you will find addresses to organisations that can be a support and help on your way through the asylum process.

Save this brochure! It may be useful during your time in Sweden as an asylum seeker.
A few words for you

Being an asylum seeker is not a normal situation – you have arrived in a new country and applied for asylum (protection). No one chooses to leave their country voluntarily to apply for asylum – but the reasons aren’t always enough to get a residence permit.

You may not be able to stay in Sweden. It is not your fault if your asylum application is refused. The authorities and courts use the Aliens Act to determine who has the right to a residence permit.

Waiting to find out whether you can stay in Sweden or not can be hard. It can affect the feelings in your body. Feelings are natural – your body needs them. It is good to show your feelings. It is important for your body to let your feelings out and to talk about your thoughts. Talk to your mum, dad, an adult at your school or another important person about how you feel. If you can’t talk about how you feel perhaps you can write or draw what is on your mind.

It is important to have something to do during the daytime. Get up in the morning, go to school, meet teachers and classmates. Do things that you think are fun.

What you learn here in Sweden while you wait to find out whether you can stay or not can never be taken away from you. No matter what happens in the future, you take what you have learned with you no matter where you are, either here in Sweden or in another country.

Feel free to contact us at the Migration Agency if you have any questions. www.migrationsverket.se
Children

In Sweden you are a child until you turn 18.

Sweden has signed the UN convention on the Rights of the Child (in Swedish: Barnkonventionen). UN means United Nations. Almost all of the world’s countries are members of the UN. The UN is an organisation that cooperates for peace and human rights.

The children’s convention contains the rights that all children should have. Sweden and almost every other country in the world have promised to follow the children’s convention. The children’s convention consists of rules that describe what your rights are as a child. The rules are called articles and they say that:

- you have the same rights as other children (article 2)
- your best interests should always be important (article 3)
- you have the right to live and develop (article 6)
- you have the right to say what you think (article 12).

Asylum-seeking children have the same rights as other children in Swedish society

This means for example that:

- you have the right to have your say. This means that if you want to, you have the right to say what you think and feel and adults must listen to you and your needs when they make decisions regarding you
- you have the right to medical care and dental care if you need it
- you have the right to go to school.

Adults cannot decide whatever they want about you, not even your parents. Adults are for example not allowed to hit you or threaten you. You have the right to your own body and nobody is allowed to harm it. You yourself have the right to decide for example whom you fall in love with and whom you want to marry.

You will meet people from different authorities

The Swedish Migration Agency is responsible for, among other things:

- investigating and deciding whether you and your family have the right to asylum or not
- your home – if you live in accommodation provided by the Migration Agency
- financial support – if you don’t have any money of your own
- appointing a public counsel. This is a person that knows the Swedish laws and who helps you and your family with your application for asylum. A public counsel is a lawyer or solicitor and does not work at the Migration Agency.
- helping you with your journey from Sweden if you cannot stay here.

The municipality is responsible for, among other things:

- your right to go to preschool, school and secondary school
- something called the social services. In the social services, the staff work according to a law called socialtjänstlagen, the Social Services Act. This law is about your right to care and treatment. It contains rules for how society should help everyone who needs help and can’t get it from anyone else.

The medical services is responsible for:

- providing dental care and health care for you.
What do the words mean?

**Asylum** means place of refuge. When a person applies for asylum he or she applies for protection in a country that isn’t his or her home country.

**The asylum process** is the stages that the asylum seeker goes through, from application to decision.

An **asylum seeker** is a person who has travelled to Sweden and applied for protection. He or she hasn’t received a final answer to his or her application.

**Application refusal** means that a person has had their application turned down. He or she cannot stay in Sweden.

**Children** means anyone who is under the age of 18.

**Decision on an asylum case** is when the Migration Agency has decided whether an asylum seeker can stay in Sweden or not.

**Daily allowance** is an allowance that an asylum seeker can apply for if he or she doesn’t have any money of his or her own.

**Judgement.** Most of the decisions made by the Migration Agency can be appealed to a court. When a court makes a decision it’s called judgement.

A **refugee** is a person who has applied for asylum and can stay in Sweden on refugee grounds.

An **authority** is a state agency that is controlled by the government. The authorities make sure that society works the way it is supposed to according to the laws decided by the parliament.

A **public counsel** is a person who knows Swedish laws. The counsel will help you and your family with your asylum application. A public counsel is a lawyer or solicitor and does not work at the Migration Agency.

The **social services** are represented in every municipality. Their staff work according to a law called the Social Services Act. The Social Services Act is about everyone in the municipality’s right to care. It contains rules for how society should help everyone who needs help and who cannot be helped by anyone else.

**Residence permit** means that a person has had their application for asylum approved. He or she can stay in Sweden.

**The Aliens Act** is a law that contains the rules for whether asylum seekers can stay in Sweden or not. Parliament makes decisions on these laws.

**Appeal** means that a person writes to an authority or court to say that he or she doesn’t agree with what the authority or court has decided. The person wants the authority or court to change the decision.
Asylum application – what happens then?

At the Migration Agency there are different units. You could say that a unit is an office. The first unit that you and your family arrive at is the Application Unit. This is where you will apply for asylum.

YOUR ASYLUM APPLICATION IS REGISTERED

The Application Unit is responsible for receiving applications from people who are applying for asylum. When your application has been registered you have the right to be in Sweden while you are waiting for a decision on your application.

CONVERSATION WITH THE MIGRATION AGENCY STAFF

At the Application Unit you will meet the Migration Agency’s staff. They will ask you many questions, for example

- how you are feeling
- what your names are
- when you were born
- where you are from
- which languages you speak
- how you have travelled to Sweden
- why you have left your home country and what you think will happen if you go back.

If you are scared of somebody or something it is important that you tell us about it.

The staff will ask these questions so they can enter you into the Migration Agency’s computer database. Then they will continue to work on your application. When you come to Sweden you will get similar questions from both the Migration Agency and the municipality where you live. This is because the Migration Agency and the municipality have different computer systems, not because you have given the wrong answers.

It is important for the Migration Agency to know the reasons why you and your family cannot stay in your home country and how you are feeling now. The staff wants to talk to you and hear your own story.

If you can't or don't want to say anything to the staff when they ask you, you can always contact the Migration Agency later. You can also do so if there is anything bothering you or if you have any questions.

INTERPRETER

So that you and the staff at the Migration Agency will be able to understand each other, an interpreter will translate what you say. The interpreter can speak both Swedish and the language that you speak. The interpreter will either sit in the same room as you or take part via telephone or video. Through the interpreter the Migration Agency’s staff and you can speak to each other. The interpreter will only translate what is said. The interpreter is sworn to secrecy.

It is important that you and the interpreter understand each other and that you dare tell everything when the interpreter is present. If you don't understand the interpreter or if you, for example, are related to the interpreter, you must tell us.

Where will we live?

You can arrange accommodation yourselves, for example with relatives or friends. But if you need help the Application Unit can arrange for you to live in the Migration Agency’s accommodation. This is accommodation that the Migration Agency rents in certain locations in Sweden. You will not be able to choose the location or the accommodation.
OBLIGATION OF SECRECY
Obligation of secrecy means that the Migration Agency cannot reveal anything about you to someone who isn’t legally entitled to know. Everyone who works at the Migration Agency is sworn to secrecy. Interpreters and public counsels are also sworn to secrecy.

PUBLIC COUNSEL
A public counsel is a person who knows Swedish laws. He or she will help you and your family with your asylum application. A public counsel is a lawyer or solicitor.

Is everyone entitled to a public counsel?
If the Migration Agency assesses that you need help with your asylum application, you will receive help from a public counsel. You will not have to pay for the public counsel.

IDENTITY
Identity is about who you are, what your name is, when you were born, where you are from and who your parents are.

Show who you are
The Migration Agency wants to know who you are and where you are from in order to be able to make the right decision. It is your parents’ responsibility to show what your names are and where you are from. The best way to show your identity is by showing your passports or ID cards, for example.

If your parents cannot show who you are it will be hard for the Migration Agency to assess whether you have the right to asylum or not. The Migration Agency can make decisions more quickly if your parents show who you are.

PHOTOGRAPHING
When you apply for asylum, the Migration Agency will photograph you. All of your family will be photographed. The Migration Agency uses the photographs in its computer system and for Asylum Seeker cards.

What is an Asylum Seeker card (LMA-kort)?
LMA means the Act on Reception of Asylum Seekers. An Asylum Seeker card is a plastic card with a photo of you on it. You will receive the card after you have applied for asylum in Sweden. It is proof that you are an asylum seeker and that you can stay in Sweden while you are waiting for a decision.

If you are 16 years old or older and have assisted in showing who you are, you may have the right to work in Sweden while you are an asylum seeker. If so, it will be stated on your Asylum Seeker card.

Are we allowed to travel to other countries while we are applying for asylum in Sweden?
No, as long as you are applying for asylum in Sweden you are not allowed to travel beyond Sweden’s borders. If you leave Sweden your asylum application will not be considered.
FINGERPRINTS
The Migration Agency takes fingerprints to check if you have applied for asylum in Sweden or another European country before. The same day that you are at the Application Unit the staff will take your parents’ fingerprints. If you are 6 or older they will take your fingerprints too. If you are under 14 your fingerprints will not be used for any controls.

Fingerprints are taken when you press your fingers against a machine that reads your fingerprints.

What does the Migration Agency do with the fingerprints?
The fingerprints are sent to several databases. One of these is in Sweden. In this database the Migration Agency can see if you have applied for asylum in Sweden before.

The European Union has another database called Eurodac. All of the EU countries, Iceland, Norway and Switzerland can see this database. If you have applied for asylum in one of these countries it will show up in the database. These countries are called the Dublin countries.

The European Union has another database called VIS. If you have applied for a permit at an embassy of any of the EU member states to travel to any of the EU countries, for example as a tourist or to visit relatives or friends, it will show in this database.

THE DUBLIN REGULATION
In the EU countries an Norway, Iceland and Switzerland there are rules about which country is responsible for an asylum application. The rules say that only one country considers the application. These rules are called the Dublin Regulation and apply as a law.

If you have been in another Dublin country before you came to Sweden, you may have to go back there. This can apply in the following cases:
• You have already applied for asylum in another Dublin country and had your application considered there.
• You have been granted permission from another country to travel into the EU.
• You have travelled without permission into a country that has signed the Dublin Regulation.

If another Dublin country is going to consider your asylum application your parents will be called to a meeting at the Migration Agency. This meeting is called a communication.

What is a communication?
A communication is a conversation between your parents and the staff at the Migration Agency. At this conversation you will receive information about the Dublin Regulation and that another country can become or has become responsible for considering your asylum application. Your parents will also have the opportunity to say if they have any reason to not go to the other Dublin country. They can say why you want your application to be considered in Sweden instead.

Appealing a Dublin decision
If your parents are not happy with the Migration Agency’s decision they are entitled to appeal the decision to a Migration Court.

The Migration Court will not consider why you have applied for asylum. It will only decide which country should consider your grounds for asylum.

If your parents have appealed your Dublin decision, you don’t have the right to stay in Sweden while the Migration Court considers your case. Your journey to the other Dublin country will only be suspended if the Migration Agency or the court says that the journey should be suspended.

If your case is a Dublin case you are not entitled to a public counsel. Your parents can get help themselves from a lawyer or a solicitor. A public counsel is a person who knows Swedish laws. In this case your parents must pay for the lawyer or solicitor.

What does the EU mean?
The European Union is called the EU. Sweden has been a member of the EU since 1995. 28 countries are members of the EU.
If the Migration Court decides that you must travel to another Dublin country your parents will be called to a meeting at the Migration Agency. If you and your parents want you to be at this meeting you are allowed to be there. At the meeting you will be informed that you will travel to the country that is written in your decision. The decision is called a transfer decision. You will also find out your travel arrangements. Staff from the Migration Agency will accompany you to the plane. Staff from the authorities in the country you arrive at will meet you.

Appealing the Migration Court’s Dublin decision
If your parents are not happy with the decision they can appeal to the Migration Court of Appeal. If the Migration Court of Appeal wants to consider your appeal it is this court that decides if your application will be considered in Sweden or in another Dublin country.

If the Migration Court changes the Migration Agency’s Dublin decision
The Migration Agency can appeal the decision to the Migration Court of Appeal. If the Migration Agency appeals the Migration Court’s decision it is the Migration Court of Appeal that decides whether it will consider the appeal. If the court wants to consider the appeal it is this court that decides whether your appeal will be considered in Sweden or in another Dublin country.

If the Migration Agency does not appeal the Migration Court’s decision, the asylum process will continue in Sweden. The Migration Agency’s staff will then summon you to an asylum investigation.

If you wish to know more
The Dublin Regulation applies in the following EU countries:

- Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

The Dublin Regulation also applies in Norway, Iceland and Switzerland even though they are not EU members.
After registration – what happens then?

After you have applied for asylum you will be registered at a Reception Unit.

The Reception Unit is responsible for keeping in touch with you while you wait for your decision and for some time after the decision. The staff at the Reception Unit does the following things, among others:

- Determines if you are entitled to a daily allowance – if you don’t have any money of your own.
- Informs you when a decision has been made on your case – if your asylum application has been granted or refused.
- Provides support if your asylum application is refused and you are to return home.

If you live in a flat rented by the Migration Agency, you will meet the Receptions Unit’s accommodation staff. They will inform you about the rules and provide practical information, for example about what can be found in the local area.

DAILY ALLOWANCE

If you don’t have any money of your own you are entitled to apply for a daily allowance from the Migration Agency. Your parents can apply for a daily allowance for you until you are 18 years old. If you are over 16 you have the right to apply for and care for your daily allowance and special grant yourself. You will then get your own bank card that holds the daily allowance and special grant.

This money must pay for things like food, clothes, shoes, soap and shampoo, medicine and leisure activities. If you have special needs you can also apply for a special grant.

Special grant

If you have a special need for something, for example glasses, winter clothes or something that you can’t manage without and that the daily allowance doesn’t cover, your parents can apply for a special grant. They will fill in an application for a special grant. It is important that they explain why you need it. The application is submitted to the Reception Unit, which then makes a decision. Your application for a special grant can be granted or turned down. If you are not satisfied about the decision about the special grant, you can appeal it.

INVESTIGATION MEETING

When you have been registered at the Reception Unit, you will participate in an investigation meeting. This meeting takes place so that you will have the possibility to tell us what you want, ask questions and receive information about the different steps in the asylum process. The meeting is also for the Migration Agency to learn how you are feeling, what it’s like for you in Sweden, and if you are scared or worried. The staff want to talk to you alone. If you don’t want to, you can say no.

GROUP INFORMATION

Your parents will be summoned to the Reception Unit to receive information about the Migration Agency. You will also find out more about laws, other authorities, and Non-Governmental Organisations. A Non-Governmental Organisation is an organisation where people work voluntarily, without getting paid, to help with things that they think are important. Two examples are the Red Cross and Save the Children.
HEALTH
You have the same right to health care and dental care as all other children in Sweden. If a family member needs to visit a hospital, care centre or dentist you must show your Asylum Seeker card.

The Migration Agency will inform the health care system of your name and address so they can contact you for a health check-up. At the check-up you can talk to the staff at a care centre.

Mental illness – to feel depressed and sad
It is common to feel worried about what will happen in the future while waiting for a decision on your application for asylum. Some may also feel bad because they have been involved in nasty events in their home country or during the flight to Sweden.

You and your family can get help and support from the health care centre in your county. You can visit a health care centre not only if you have, for example, a sore throat or a broken leg, but also if you feel bad mentally, if you have anxiety, can not sleep or feel sad and depressed.

You and your parents can talk to your reception officer who can advise you on where to turn. On the site www.umo.se/ Att-ma-daligt/ there is also information about what to do if you feel bad. There are also phone numbers and addresses for places where you can get help. The information is also available in Arabic, Dari, English, Somali and Tigrinya. Read more about which organizations can provide advice and support on page 22.

SCHOOL
You have the same right to go to preschool, compulsory school and secondary school as other children who live in Sweden. You have the right to study all subjects and receive tuition in your own language. You shouldn’t have to wait until you have learned Swedish to continue to develop your knowledge. It is the municipality you live in that sees to it that you go to school.

What is a preschool?
A preschool is an educational institution for children from age one until they start school. Children start attending preschool at different ages and go there for different lengths of time depending on their parents’ jobs, studies or the child’s need for a place at the preschool based on the family’s situation.

What is a preschool class?
Children attend a preschool class the year before they start the first year at compulsory school.

What is a compulsory school?
Compulsory school is for all children between the ages of 7 and 16.

What is an upper secondary school?
All young people in Sweden who have finished compulsory school have the right to apply for a three-year upper secondary school course – a national programme. An upper secondary school education provides basic skills for further studies and for future life as a working adult.

In order to be accepted to an upper secondary school you must have a passing grade in several subjects from compulsory school: 8 subjects for vocationally-oriented programmes and 12 subjects for programmes seen as a preparation for further studies. If you don’t have enough passing grades from compulsory school you can study at an introduction programme. An introduction programme is intended to help students to move on to a national programme or to get a job. An introduction programme, language introduction, is for young people who have not been in Sweden for long and who need to learn more Swedish based on their own needs and wishes.

A person who is between 17 and 24 years old and studies at an upper secondary school programme can in some cases get a longer residence permit in order to be able to finish their education.
Asylum investigation – what happens then?

After you have applied for asylum you and your parents will be summoned to an asylum investigation. It may take a long time before you can come to an asylum investigation. The waiting times can also differ from one family to another.

As a child, you are allowed to talk to the Migration Agency staff if you want to, and your parents agree to it.

You don't have to talk to the staff if you don't want to. The staff will talk to your parents and will ask your parents questions about you.

HOW DOES AN ASYLUM INVESTIGATION WORK?
The asylum investigation is a conversation with the Migration Agency where the officer will ask you what has happened to you in your home country and what would happen if you returned there. The Migration Agency will also ask you how you travelled to Sweden and examine your identities. To the investigation you should bring documents such as your passport and other identification documents that show that what you tell us is true.

Being in an asylum investigation can be hard. The investigation takes between two and three hours and you will get questions about things that can be hard or embarrassing to talk about. It is important that you tell the Migration Agency the truth, even if it's hard, and try to answer all questions as well as you can. If you get the same questions several times it doesn't mean that you gave the wrong answer, but that the officer needs more information. If you need to take a pause you can ask the officer for a break.

Just like at any other meeting at the Migration Agency it's important that you understand the interpreter so that you understand what is said and what you must do. Remember to say if you don't understand the interpreter.

It is important that you tell us everything that has happened to you. It is important for the Migration Agency to know the reasons why you cannot stay in your home country, not just your parents’ reasons. Your stories are written down in a record. A record is notes about what you have said.

Who will be at the asylum investigation?
Often there will be one person from the Migration Agency who will conduct the investigation. Sometimes there are two people from the Migration Agency; then one will conduct the investigation and the other person will write down the record. If you have a public counsel he or she will be there. There will also be an interpreter in the room. The interpreter is not an employee of the Migration Agency: he or she is from a company that provides interpreters. The staff are willing to talk to you alone, but if you want to, one of your parents can be there too.

The Aliens Act (in Swedish: Utlänningslagen) is the law that includes the rules for whether you can stay in Sweden or not. The law was decided by Sweden’s parliament.
Asylum decision – what happens then?

After you have attended the asylum investigation the Migration Agency will make a decision. When the Migration Agency makes a decision on your asylum case, what you have told in the asylum investigation is compared with the information that the Migration Agency has about the situation in your home country.

THERE ARE DIFFERENT GROUNDS FOR ASYLUM

Refugees
A person who may be subjected to persecution if they go back their home country can stay in Sweden as a refugee if he or she cannot obtain protection in his or her home country – and if the persecution he or she is subjected to is a result of his or her
• origin, that is, national or ethnic origin (for example skin colour)
• nationality, for example citizenship, linguistic or ethnic group
• religion
• political affiliation (for example opinions on how a country should be governed)
• belonging to a certain social group.
Two examples of certain social groups are boys and girls. Other examples of social groups are transgender people or homosexual or bisexual people. The Swedish concept “hbtq person” (in English usually “lgbt person”) stands for persons who in various ways differ from the idea of how boys or girls should behave, for example how they should feel, how they should look, or that a girl should fall in love with boys instead of other girls and so on.

In order to be granted asylum, the asylum seeker must risk being persecuted for one of these reasons and be so scared that he or she can’t or won’t use protection in his or her home country, for example police protection. According to the law this applies no matter whether the persecution is by the country’s authorities or if the country’s authorities can’t or won’t provide protection from persecution.

Persons eligible for subsidiary protection
Persons in need of subsidiary protection are people who are not refugees as defined by the law, but who are still afraid to return to their home country.

The person risks either torture, death penalty, or other inhuman or degrading treatment if he or she returns.

An asylum seeker can in some cases get a residence permit even if he or she doesn’t need protection from persecution. This requires extraordinary circumstances implying that a decision to deny residence permit would conflict with Sweden’s international obligations.

TEMPORARY OR PERMANENT RESIDENCE PERMIT
It is the Aliens Act that regulates who can stay in Sweden. The Swedish Aliens Act was published in 2006. The law was temporarily changed on 20 July 2016. The temporary law is valid for three years and imply that most people in need of protection will be granted temporary residence permits instead of permanent residence permits.

Children and families with children who applied for asylum before or at the latest on 24 November 2015 will get their application for asylum tried according to the Aliens Act and may be granted a permanent residence permit if they are in need of protection.

Children and families with children who applied for asylum on 25 November 2015 or later will get their application for asylum tried according to the new, temporary law, and may be granted a temporary residence permit if they are in need of protection. Those who are refugees will be granted a residence permit for three years, and those who are considered eligible for protection for another reason will be granted a residence permit for 13 months.

It’s your and your family’s duty to honestly tell us what you have experienced and what you are afraid of. The Migration Agency will compare your stories with what the law states and make a decision.
Residence permit – what happens then?

Residence permit means that you have received a YES to your application for asylum. You can stay in Sweden.

If you and your family get a residence permit you will be summoned to a meeting with the staff at the Reception Unit. At the meeting you will find out what is stated in the decision and why you have been granted a residence permit. You will receive a certificate that shows that you have received a residence permit.

A permanent residence permit means that you have the right to stay in Sweden for as long as you want. A temporary residence permit means that you can stay in Sweden for a certain time, usually three years or 13 months. When your residence permits expire you can apply for an extension. If you still need protection you may be granted a residence permit for another two years. If you are between 17 and 24 years old and are studying at the upper secondary school level you will in certain cases have the possibility to be granted a longer temporary residence permit to complete your studies.

WHAT YOU SHOULD DO WHEN YOU HAVE RECEIVED A RESIDENCE PERMIT

You and your family must visit the Swedish Tax Agency for registration. This means that you will receive personal identity numbers with the last four digits. If you have lived in your own accommodation, you will be discharged from the Migration Agency 30 days after the decision was made. If you have lived in accommodation provided by the Migration Agency and can’t find your own accommodation, you will receive more information from the Migration Agency about how to get another accommodation.
Refusal – what happens then?

Refusal means that you have received a NO to your application for asylum. You cannot stay in Sweden.

Your parents will be called to a meeting at the Migration Agency if your asylum application has been refused. If you and your parents want you to, you can attend this meeting. During the meeting you will receive help understanding the content of the decision. Whether your parents appeal the decision or not, you will be summoned to the Migration Agency to talk about your situation and your thoughts about the future.

If your parents accept the decision they can say that they accept the decision. This is called declaration of acceptance and means that your parents accept the decision and don’t want to appeal it. Your parents cannot take back a declaration of acceptance.

APPEAL A REFUSAL
Your parents can appeal the decision if they think that your situation has not been assessed correctly.

Appeal means that your parents write to the Migration Agency to say that they don’t agree with what the Migration Agency has decided. Your parents want the court to change the Migration Agency’s decision.
When your parents appeal they can say that they want to have a meeting at the court. The meeting is called verbal negotiation. There your parents will have another opportunity to talk about what you have been through. It is the Migration Court that decides whether there will be a verbal negotiation or if the written information is enough.

The Migration Court will look at what they have received and see if more information is needed. Then the court will make a decision. The decision is called a judgement.

WHO WILL BE AT THE VERBAL NEGOTIATION?

If the court decides to have a verbal negotiation it’s usually attended by a judge, three lay assessors and report submitter. The report submitter is a trained lawyer and prepares the negotiations. The judge is also a trained lawyer. A lawyer is a person who is trained in the Swedish legal system. Lay assessors are not trained lawyers. They have other jobs when they are not in court.

Now it is no longer the Migration Agency that makes the decisions.

The Migration Agency is one party (one side) and is represented by a Litigation Officer. The Litigation Officer is a trained lawyer. At the negotiations your parents are the other party (other side). They will be helped by their public counsel. The public counsel is a trained lawyer. It is unusual for children to be allowed to be at a negotiation. The court will assess whether it is suitable for children to be there.
An interpreter will be there so that everyone can understand each other.

It is the judge who leads the negotiations and decides who can talk. At the negotiations your parents, helped by your public counsel, will have the opportunity to say everything they want to the judge and the lay assessors. When they have finished talking the Litigation Officer from the Migration Agency will have the opportunity to ask questions to your parents. After that the judge may ask some questions. Then your parents and your public counsel will conclude by again explaining why you cannot return home. After that the Litigation Officer will explain what the Migration Agency thinks.

**DECISION FROM THE MIGRATION COURT**

The Migration Court will make a decision which is either approval or refusal.

**Approval** means that the Migration Court thinks that you can stay in Sweden. It is important that you know that the Migration Agency can appeal a judgement from the Migration Court in the Migration Court of Appeal. This means that the decision can be changed again. If the Migration Agency hasn’t appealed the decision within three weeks, the decision is upheld. You will then receive a residence permit. You and your guardian will be called to a meeting with the staff at the Reception Unit.

**Refusal** means that the Migration Court has said no. It won’t change the Migration Agency’s decision. The judgement from the Migration Court can be appealed to the Migration Court of Appeal, but the Migration Court of Appeal does not consider all cases.

**CAN ANYONE READ THE COURT’S DECISION?**

A decision in a court is called a judgement. The court’s judgements are mostly public, which means that other people can read them. If parts of the judgement are confidential (secret) they can only be read by the people affected by the decision. The actual decision (yes or no) is never confidential (secret). It is the Migration Court that decides about confidentiality.

**Approval** means that the Migration Court thinks that you can stay in Sweden.
Appeal – Migration Court of Appeal

The judgement from the Migration Court can be appealed to another court called the Migration Court of Appeal. In order for your judgement to be able to be considered you must have what is called leave to appeal.

Not all judgements are considered in the Migration Court of Appeal. It only considers judgements where there are very strong reasons or if an important legal issue must be considered.

IF THE MIGRATION COURT OF APPEAL CONSIDERS YOUR CASE AND APPROVES YOUR APPEAL
Approval means that the Migration Court of Appeal thinks that you can stay in Sweden. You will then receive a residence permit. Your parents will be called to a meeting with the staff at the Reception Unit. If you and your parents want you to be at the meeting, you can.

IF THE MIGRATION COURT OF APPEAL DOESN’T CONSIDER YOUR CASE OR IF YOUR CASE IS REFUSED
If the Migration Court of Appeal chooses not to consider your case your parents cannot appeal this.

If the Migration Court of Appeal decides to refuse your case (say no) your parents cannot appeal this.

The reasons you have given have not been sufficient to get a residence permit in Sweden.

If your parents aren’t granted leave to appeal from the Migration Court of Appeal, then the Migration Court judgement applies.
Return – what happens then?

If you have got a refusal (no) that cannot be appealed any more your parents will be called to one or more meetings about returning at the Migration Agency. At these meetings they will talk about the journey from Sweden. If you and your parents want you to, you can attend this meeting.

Your parents are responsible for you leaving Sweden within the time period specified in the decision, or immediately if no time period is specified. They must book tickets for the journey. If they cannot arrange tickets they can get help from the Migration Agency. If you do not leave Sweden within the time period specified in the decision, there is a risk that you will get a re-entry ban. The time period for voluntary return starts when the decision on refusal of entry or expulsion comes into force.

The meeting about returning ends with the staff at the Migration Agency going over what you should do before the next meeting. Usually your parents will receive one or several tasks to solve. This could be filling in information for travel documents, contacting the embassy of your home country, or getting photographs. The staff may also investigate certain things that they will present at the next meeting.

You will be summoned to the Migration Agency a few days before you leave. Then you will talk about when and how you will travel, your luggage and other things regarding your journey. If you have stayed in accommodation provided by the Migration Agency you will find out what needs to be done before you leave it.

HOW DOES A RETURN WITH THE MIGRATION AGENCY WORK?
If you will travel to the airport on your own or with staff from the Migration Agency it depends on where you are travelling from and what kind of journey it is. The type of journey is decided by whether you have passports or need temporary travel documents.

WHAT HAPPENS IF WE DON’T WANT TO TRAVEL HOME AFTER THE DECISION ON REFUSAL OF ENTRY OR EXPULSION?
The Migration Agency works with your return only if your parents agree to travel back to your country. If you don’t come when the Migration Agency summons you or if you show that you will not comply with your journey home, the Migration Agency will hand your case over to the police.

If your case is handed over to the police it is the police that are responsible for you complying with the decision of the Migration Agency and the court, in other words that you leave Sweden.

You have the right to go to school if your case is handed over to the police and you have the right to health care as long as you remain in Sweden.

BEFORE RETURNING
• certificates that prove you have attended school
• any grades from school
• vaccination certificates
• addresses, email addresses and phone numbers to the people you want to contact at home.

If you want to and can … tell your friends, schoolmates, teachers and other important people that you are leaving Sweden.
To important adults to a child who has applied for asylum

Adults are adults and children are children.

Parents are parents even though they have had to leave their country and apply for asylum. Parents are important for children.

Being an asylum seeker is not a normal situation – you have arrived in a new country and applied for asylum (protection). No one chooses to leave their country voluntarily to have to apply for asylum – but the reasons for asylum aren’t always enough to get a residence permit.

Children are different individuals, just like adults. Children have questions, some ask questions about their situation, while others think about their questions but don’t dare ask them.

As an adult you play an important part. You are a person who can guide and support the asylum-seeking child in the situation that the child is in. You can read this brochure with the child.

Together you can read about the various stages that you go through as an asylum seeker.

Feel free to contact us at the Migration Agency if you have any questions. www.migrationsverket.se

An important adult can be

- mum
- dad
- other custodial guardian
- guardian
- relative
- teacher
- welfare officer
- staff from the Migration Agency
- person from a Non-Governmental Organisation.
More information and other organisations that can help you

**BRIS, Children’s Right in Society** is an organisation that works for the rights of children.
www.bris.se

**Individuell människohjälp, IM** is an organisation that works to prevent poverty and exclusion.
www.manniskohjalp.se

**Rädda Barnen, Save the Children Sweden** is an organisation working for children’s rights. They have a free helpline for unaccompanied children – you can talk in Arabic, Dari, English, Pashto, Somali, Swedish and Tigrinya. The number is 0200-77 88 20.
www.raddabarnen.se
www.raddabarnen.se/helpline

**Barnombudsmannen, The Ombudsman for Children in Sweden** examines the rights of children.
www.barnombudsmannen.se

**Röda Korset, The Red Cross** is an organisation working to protect and help people in need. If you want to, they will also help you search for your parents or relatives.
www.rodadkorset.se

**Information Sverige, Information Sverige** is a web portal for newcomers in Sweden. You can get information about how the Swedish society works for example concerning accommodation, education and health care.
www.informationsverige.se

**Kollpåsoc.se** is a website with information about your rights and possibilities for support from the Social Services.
www.kollpasoc.se

**The film “Vad händer nu?” (“What happens now?”)** is for you who are an unaccompanied child in Sweden and are staying in an accommodation or in a foster home. In the film you will learn what happens during the first months in Sweden, which people you may meet and how the asylum process works. You can watch the film alone or together with an adult.
www.youtube.com/c/socialstyrelsen

**The book “Välkomna Hit” (“Welcome”)** will help you and your family to get to know the Swedish culture and the Swedish society.
www.migrationsverket.se/OmMigrationsverket/Faktaonmigration/Informationsmaterial.html

**RFSL** works for the rights of homosexuals, bisexuals, transgender and queers. RFSL Newcomers works for asylum seekers and newcomers.
www.rfsl.se/verksamhet/newcomers/asyl/

**Youmo** is an online youth guidance centre. Here you will find information about, sex, health and relations in several languages.
www.youmo.se