**Supplementary Submission Report on the right of every child to acquire and preserve a nationality**

By the Swedish Organization Against Statelessness

Civil society submission on the right of every child to acquire and preserve a nationality under Article 7 and 8 of the Convention of the Rights of the Child (CRC) in accordance with the Guiding Principles to the Convention

**Sweden**

**Introduction**

Since the previous submission of the joint report between the Swedish Organization Against Statelessness and the Institute on Statelessness and Inclusion, some significant political developments have been made that will have devastating consequences for children in general, and for stateless children specifically. With the new government in place, the government coalition is based on the so called Tidö Agreement (*Tidöavtalet*).[[1]](#footnote-1) The agreement focuses on various political aspects such as healthcare, climate and energy, migration, integration, and education. The agreement regulates which political decisions are to be pursued over the next four years. Although most of these aspects can have consequences for children affected by statelessness, this supplementary report focuses on what can be seen as having the most direct and negative effect, regarding article 7 and 8 of the Convention on the Rights of the Child.

**No more permanent residence permits -** In the Tidö Agreement, it is proposed that asylum related residence permits shall be temporary and that already permanent residence permits can be turned into temporary ones. An investigation will investigate whether it would be possible to give permanent residence holders a limited amount of time to become a naturalized citizen. The Migration Agency is tasked with prioritizing cases where residence permits can be revoked. It will be investigated if the Migration Agency can regularly follow-up and revoke residence permits, where the reason for the permit no longer applies. This is one of the suggestions that will most heavily impact stateless children, as permanent residence is a requirement to acquire nationality. Should the government carry out this suggestion, it can be considered a violation of Article 7 and 8 of the CRC.

**Expulsion of anyone who is undocumented -** Today, a negative asylum decision prescribes after a certain amount of time, if an expulsion cannot be carried out, which is the case for most stateless persons. In the agreement however, it is suggested that this time be extended, or removed entirely, limiting the possibility to re-apply. It is also suggested that measures to keep track of asylum seekers should be introduced. This includes asylum seekers needing to report regularly and having their rights and social benefits taken away. Measures that are suggested are internal check points or carrying out internal alien control. Most persons affected by statelessness receive negative decisions, since the asylum procedure is based on whether you need international protection, rather than looking at their stateless status. Most stateless persons then re-apply once they have remained in the country for long periods of time without being able to be sent to another country. This suggestion would therefore remove stateless children’s path to acquiring nationality.

**Changes in protocol regarding impediments to enforcement of expulsion -** In many cases of statelessness, there is an impediment to enforce the expulsion since no other country is willing to receive the person. The agreement suggests that such cases should not lead to residence permits, which limits most, if not all, possibilities that stateless children have, to acquire nationality.

**All public staff has a reporting obligation on undocumented children -** It is suggested that all public staff should have a duty to report children that may be or are suspected to be undocumented. This includes school teachers. One exception that is mentioned, but will be investigated further, is emergency healthcare. Many stateless children in Sweden are awaiting expulsion or their families want to re-apply, but with the risk of teachers reporting them, this would lead to less children being able to become naturalized citizens.

**People with unclear identities will be taken into custody -** The agreement looks at investigating the possibility to put people in detention if they cannot prove their identity and legal status while awaiting a full investigation. People that have, what can be considered, unreliable coordination numbers, will have their coordination numbers revoked. Most stateless persons have coordination numbers, and this is how they can pay taxes and work. However, their coordination numbers are often considered unreliable given their lack of identity documents. This would mean that parents of stateless children could be taken into detention without committing a crime, limiting their chances of acquiring nationality.

***“Bristande vandel”* can lead to expulsion -** This has been one of the most debated suggestions. The agreement suggests that if an individual has “bristande vandel” (= lack of honorable way of living or lifestyle), this can lead to expulsion. Things that are included are prostitution, drug abuse, being active in certain organizations or having ties or relatives that are part of a criminal organization. There is risk that stateless children suffer because of their parents’ actions, or extended family.

**Restricting the freedom of movement for people with a negative asylum decision -** For people that have gotten rejected but are not in detention, there will be restrictions of their freedom of movement. The person may be required to register several times a day or be at their housing between certain hours of the day. Most stateless persons are in limbo with negative asylum decisions, so this will have grave consequences on children affected by statelessness and their path to acquiring nationality.

**Obligatory language screening for children -** All children will be screened for their Swedish skills at two years old and if their Swedish is not considered good enough, this could be considered lack of integration. This could lead to the children being forced to enroll in a Swedish pre-school, denying the child their right to their home language. Parents of stateless children most often do not have access to Swedish language courses (*SFI*), so this is something that would disproportionately affect stateless children.

**Increased requirements for citizenship -** The agreement proposes that another investigation should investigate increased requirements for citizenship. They want the habitual residence to be, at least eight years, for an individual to ***potentially*** be able to acquire nationality. Further language skills and knowledge about society and culture will also be suggested. An investigation on whether self-sufficiency as a requirement should be re-introduced will also take place. The requirement of “*hederlig vandel”* (= honorable way of life) will also apply to acquire citizenship. This would mean that children affected by statelessness would live extended periods of time without acquiring nationality.

**Limitations for non-citizens -** Reforms are to be introduced which will limit the pull-factor of people migrating to Sweden. This includes welfare and economic support. The investigation will look at a what requirements need to be met to receive social welfare. The suggestion is that citizenship be introduced as a requirement and that non-citizens will not be able to receive financial support. There is no mention of whether people affected by statelessness would be an exception.

**Right to home language is no longer a right -** Until now, children have had a right to study their home language through their school. This will no longer be a right for those children that speak other languages than Swedish at home. This is to ensure home languages do not have a “negative effect on integration or the student’s development of knowledge in Swedish”[[2]](#footnote-2). Both the obligatory language screening and the lack of right to home language would be direct violations of both Article 6 and Article 8 of the Convention.

1. Tidöavtalet - Överenskommelse för Sverige (agreement in full): <https://www.xn--tidavtalet-gcb.se/> [↑](#footnote-ref-1)
2. Tidöavtalet - Överenskommelse för Sverige, p. 54: <https://www.xn--tidavtalet-gcb.se/> [↑](#footnote-ref-2)