

This document highlights the statelessness related challenges in Sweden, which will be reviewed during the 35th Session of the Universal Periodic Review (UPR). The issues raised in this summary include: the lack of a procedure to identify and protect stateless persons, childhood statelessness and the rights of stateless persons. All recommending states are urged to draw on this document when formulating recommendations to the state under review. In addition to this summary, the Institute on Statelessness and Inclusion made joint submissions to the 35th Session on human rights and statelessness issues in **Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Lesotho, Spain and Turkey, as a summary document with short overviews and proposed recommendations for all countries under review**¹

Sweden was previously reviewed during the 8th and 21st sessions of the UPR, in 2010 and 2015 respectively. In both cycles, Sweden did not receive any relevant recommendations relating to the right to a nationality and statelessness. However, during the 2015 Working Group, the Swedish delegation stated that “more than 6,000 persons under the age of 18, with residence in Sweden, were stateless”. It also noted that amendments to the Swedish Citizenship Act, with the aim of reducing statelessness, would enter into force on 1 April 2015.²

Sweden ratified the two Statelessness Conventions in 1965 and 1969, and has additional international obligations to protect the right to a nationality and protect the rights of stateless persons under, *inter alia*, the ICCPR (Article 24), the CRC (Articles 2, 3, 7 and 8), the CEDAW (Article 9), the CERD (Article 5 (d) (iii)) and the CRPD (Article 18).³ During the UNHCR High Level Segment on Statelessness in October 2019, Sweden pledged to take measures to improve in its efforts to address statelessness.⁴

According to UNHCR, by the end of 2018 there were 31,819 stateless persons in the country.⁵ In July 2016, Sweden introduced a new temporary asylum law - recently extended up to July 2021 - on the withdrawal of permanent residence from refugees, thus eliminating the opportunity for stateless refugees to acquire Swedish citizenship for which a permanent residence is a prerequisite. This law consequently also created a new group of ‘unreturnable’ people.⁶ Stateless persons that have been dependent on a working visa or temporary residence in their country of residence before coming to Sweden often find themselves stuck in a legal limbo if they are subject to removal, as while their deportation order is pending, immigration authorities cannot deport them, as no country will accept them. This way, people remain in Sweden under a precarious status and with no possibility to work or access their basic rights. There is no specific protection status provided to stateless persons under Swedish law procedure to identify stateless persons.⁷

There are no adequate safeguards to prevent childhood statelessness. Amendments to the Swedish Citizenship Act, with the purpose of reducing child statelessness, entered into force on 1 April 2015. Although these amendments strengthened safeguards against childhood statelessness, this legislation does not incorporate the provision in Article 1(1) of the 1961 Convention and other human rights standards, according to which a child who would otherwise be stateless acquires citizenship automatically.⁸

Proposed Recommendations:

1. Develop and implement an effective statelessness determination procedure, and reintroduce permanent residence for refugees, thus ensuring a pathway towards citizenship.
2. Take all necessary measures to prevent childhood statelessness, and develop and implement a special protection mechanism for stateless refugees as well as stateless non-refugees.
3. Issue work visas to stateless persons living in Sweden, and ensure equal access to healthcare (including for non-emergencies) and access to medicine for all stateless persons, including for those above the age of 18.
4. Implement a mechanism for a better communication with embassies of previous countries of residence in Sweden regarding the status of stateless persons with regards to that specific country, and update the foreign country reports of the Swedish Migration Agency on the discrimination stateless persons are facing in those countries in order to make more accurate decisions in cases of deportation of stateless persons.

¹ <http://www.institutesi.org/ourwork/humanrights.php>.

² A/HRC/29/13, para. 23.

³ Sweden currently has three reservations at place on the 1954 Convention; on Article 12.1, Article 24.3 and Article 25.2.

⁴ <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

⁵ <http://popstats.unhcr.org/en/overview>.

⁶ <https://www.asylumineurope.org/news/19-06-2019/sweden-parliament-extends-temporary-law>; <https://www.statelessness.eu/blog/sweden-s-temporary-asylum-laws-impending-problems-stateless-refugee>.

⁷ Mapping STATELESSNESS in Sweden, UNHCR Regional Representation for Northern Europe Stockholm, 2nd edition, December 2016 (<https://www.refworld.org/pdfid/58526c577.pdf>).

⁸ Id.