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**Material reception conditions for asylum seekers in the EU -
the Swedish implementation from a perspective of multi level governance**

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Abstract

In 2013, the EU established a Common European Asylum System in order to harmonize the asylum laws throughout Europe. One of the directives in this common system is a revised version of the Reception Conditions Directive from 2003, establishing rules for housing, clothing and food for the asylum applicants. The directive from 2003 should be in place in all Member States of the EU and on the 21st of June 2015, the new revised version becomes applicable.

This thesis in sociology of law studies the implementation of the reception conditions directive from 2003 in Swedish law and practice. The focus lies on Swedish legislation on reception conditions for asylum seekers and the practical work of the authority responsible for asylum reception - the Swedish Migration Board. Through a qualitative method of semi-structured interviews with employees at the Migration Board, the implementation is further discussed and problematized in order to point out challenges that Sweden will face when interpreting and implementing the new directive. Through a model based on multi-level governance and possible diverging paths in the implementation-process, the judicial and practical work with the Reception Conditions Directive is analyzed in a Swedish context. The “common concepts” in EU-law that should make provisions clear and harmonized in a European context might in fact be one of the biggest challenges in the national implementation process due to difficulties in interpretations, that poses a veiled divergence on the EU. The challenges of conceptual divergence in the implementation process will be further discussed in this thesis, with the focus of what this might mean in the Swedish context with its specific social reality and legal culture.

Key terms: Material reception conditions, asylum seekers, European Union, Sweden, Common European Asylum System, Multi-level governance, implementation

Abbreviations

NGO - Non-Governmental Organization

CEAS - Common European Asylum System

ABO - Anlägningsboende (Accommodation arranged by the Migration Board)

EBO – Eget boende (Accommodation arranged on ones own)

TBO – Tillfälligt boende (Temporary accommodation)

EU – European Union

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1. Introduction

The number of people forced to leave their country due to fear and domestic conflicts are constantly growing, especially due to the developments in Syria the last couple of years. In 2012, Sweden assessed 7.814 asylum applications from Syria and in 2013 the number was more than doubled – 16.317. The high influx of refugees from Syria put Sweden as one of the countries in the European Union (hereafter the EU) who accepted most people from the refugee crisis in the region. At the same time, the influx of refugees increased from other countries (Somalia, Afghanistan and Eritrea). Sweden assessed 43.887 asylum application overall in 2012, and 54.259 in 2013. These years were the largest amount of asylum application in Sweden since the conflicts in the Balkans in the 1990s (Migrationsverket 2012b & 2013b).

1.1 Problem description

The Swedish Migration Board tried to cope with the increase in asylum applications by expanding their capacity and hiring more administrators and decision makers. This additional investment was however not enough to fully cope with all asylum applications. The wait for getting a decision on an asylum application were constantly getting longer and an inadequate access to housing became a critical factor in the entire asylum process – from application to establishment and returns. Due to the lack of housing, the Migration Board had to rent temporary accommodations in hostels and camping sites. The Swedish Employment Office also had problems finding housing in the Swedish municipalities for those with a residence permit. When the municipalities had no more capacity to provide accommodations, the Migration Board's own centers got more crowded. Due to the strained housing-situation, Sweden could not reach its goal on receiving 1900 quota refugees in 2012 due to its inability to administer housing. Instead, only 1700 quota refugees were accepted to Sweden. (Migrationsverket 2012a, p. 3-4). In 2013, the Migration Board was able to accept 1902 quota refugees, by offering temporary housing (Migrationsverket 2013c).

The lack of permanent solutions in the municipalities put a lot of pressure on the temporary accommodations provided by the Migration Board. The temporary accommodations are often more expensive and with lower quality. In 2013, 10.000 individuals were still residing in the accommodations provided by the Migration Board, even though they had already gotten their residence permit. Nevertheless, the Migration Board states in their annual report that they

were able to provide housing for every asylum seeker that expressed that need in 2013 (Migrationsverket 2013c).

Sweden, as a Member State in the EU, must comply with the goals set out in the directives established by the EU. Since the 6th of February 2005, the Reception Conditions Directive from the European Union should be in force in all Member States. The Reception Conditions Directive establishes that all Member States shall ensure availability of material reception conditions, such as housing, food and clothing to asylum applicants when they make their claim. The ambition to reach the goals set out in the directive is even more pressing today since the influx of refugees is estimated to continue at a high level in Sweden. The Swedish Migration Board estimates that the total number of asylum seekers will reach a number of 52 000 – 69 000 in 2014 (Migrationsverket 2013a).

1.2 Purpose and Research Question

The purpose of this thesis is to examine the implementation of the Reception Conditions Directive from 2003 in Sweden from a perspective of multi-level governance. By examining the coherence of Swedish law in relation to the rules in the directive as well as the Swedish Migration Board's practical implementation, I will also discuss the challenges to come when implementing the new and revised directive from 2013 that becomes applicable in 2015. The previous research regarding implementation of EU-directives shows that the full implementation of asylum-directives from the EU differs from country to country¹. The socio-legal standpoint that asserts that distortions between law in books and law in action is to be expected² thus seems to be the case in the EU-context as well. This divergence is of especially great interest today with the new Common European Asylum System and the high levels of influx of asylum seekers to the EU-countries.

I will focus on article 13 and 14 in the Reception Conditions Directive (2003/9/EG) regarding material reception conditions and examine the Swedish implementation of these provisions through the perspective of multi-level governance. My research questions are:

¹ Presented in chapter 3

² Further described in chapter 2

- 1. How are the rules on material reception conditions in 2003/9/EG implemented in Swedish law and practice?*
- 2. Why is the implementation of the directive diverging from the intended provisions? Does the multi-level governance have an impact on the divergence?*
- 3. What can this tell us about the challenges to come when implementing the new directive until 15th of July 2015?*

I will examine the first question by analyzing Swedish national legislation and documents from the Swedish Migration Boards as well as conducting qualitative interviews with key informants at the Swedish Migration Board. The second question will be more closely connected to the theoretical framework of the thesis, analyzing the impact that the multi level governance has on the diverging implementation and if this causes a special form of divergence. The last question will then be discussed and problematized based on information from the interviews and the theory of multilevel governance and divergence in the implementation-process.

The purpose of this thesis is relevant to the area of sociology of law since I will try to challenge the ideal of the directive (law in books) to the reality of the directive (law in action) in a local setting. The work in trying to uncover the divergences that exist between the objectives of law and the reality of the law is one of the most typical issues that sociology of law tries to reveal (Deflem 2008, p. 276). Implementation of EU law is however not limited to one isolated stage but rather is the outcome of a process on multiple levels. It contains everything from law making at the national level where new rules might be adopted or existing rules might be altered, to controls of the implementation and work in practice and enforcement in situations where the laws are not respected (Falkner 2010). In this thesis, I intend to focus on all these stages, from the transposition of EU-directives into domestic laws and to the actual application, where I aim at detecting problems that might arise.

Implementation-research is important in many aspects. First, it's a way to find out whether the EU directives are effective in the Member States and if the EU is moving towards a common European asylum system in practice as well as in theory. Second, it's a way to see if the rights of the asylum seekers are respected and if the Member State are fulfilling their obligations, both in regards of EU law and international law. Third, it is a starting point to detect and identify key problems in order to develop the work and be aware of challenges

when implementing new directives. The knowledge that this kind of research produces, where you research implementation in domestic laws and practice, can be a part of the continued development of the work done in the national legislation and practice. It is especially important right now when the EU has agreed upon new revised directives and the Member States need to implement these in the next years.

2. Theory

European governance contains complex interactions between different levels of governments. It includes governments on multiple levels – local, regional, national and supranational. This “multilevel governance” implies that the outcome from a policy is highly dependent on the processes within and between the different levels of governance (Bulkeley et al 2004, p. 235).

2.1 Multi level governance

Multi level governance (MLG) is a rather new concept. It was first used by Gary Marks to describe progresses in the EU after reforms in 1988 that changed the view of the EU as an international cooperation into a unity based on EU-governance. Marks (1992) developed the theory of multi level governance to be able to apply it to a wide scope of EU decision-making. He used understandings from both domestic and international politics to expand and develop the concept, thus steering away from previous research with a strong focus on only international relations (Marks 1992, Bache & Flinders 2004). In this thesis, I will focus on the approach of MLG as developed by Gary Marks and Lisbeth Hooghe, where they distinguish between two types of MLG that they labeled Type I and Type II. Type I is the form of MLG where the authority is being distributed amongst “a limited number of non-overlapping jurisdictional boundaries on a limited number of levels” (Hooghe and Marks 2004, p. 17). Type I is thus focusing on the vertical transition of governance. When taking the EU as a starting point, the focus could go from higher governance (EU-directive) to lower governance (national legislation). In type II, the MLG is viewed upon as more complex and fluid, consisting of multiple overlapping jurisdictions. In this type, the governance may change and the jurisdictions are more flexible due to the intersecting memberships and non-limited amount of jurisdictions (Hooghe and Marks 2004, p.18). In type II, there is no up or down and no leading actor but rather a number of actors collaborating and competing in different shapes and coalitions. Since I am focusing on the theoretical and practical

implementation of the reception conditions directive, from the EU to Swedish legislation and lastly to the application by the responsible authority, type I is the most appropriate model to use in my study. In fact, Hooghe and Marks (2010) argues that the structure of the EU is built upon few rather than many tiers, thus making it “a far cry from the near infinite jurisdictional dispersion conceived in type II governance” (Hooghe and Marks 2010, p. 22).

2.1.1 Type I Multi-level governance

In the hierarchical approach of MLG (type I) there is a tiered relation between the different institutions. This is illustrated by Bulkeley et. al (2004) in the figure below.

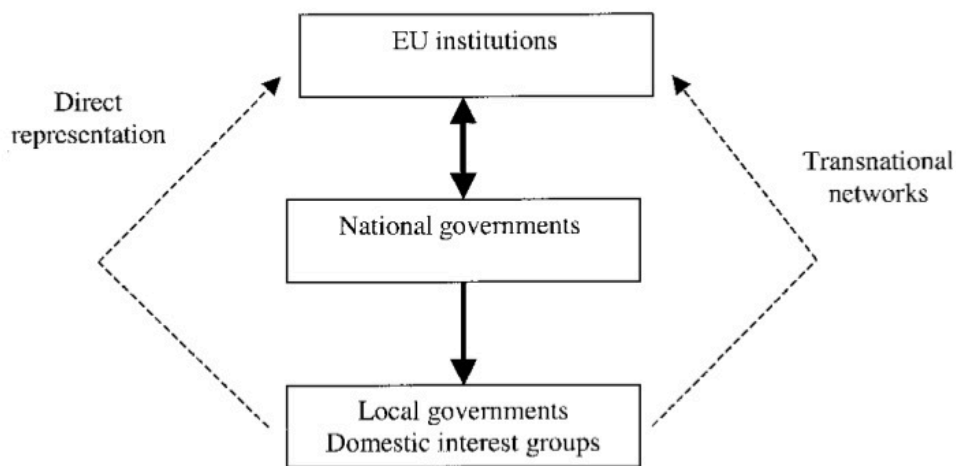


Figure 1: Multi-level governance, type I. (Bulkeley et al 2004.)

Type I MLG is founded upon federalism, thus focusing on the division and sharing of power between governance in a few number of levels. The most common division of levels in type I MLG is distributed between a local, an intermediary and a central level (Hooghe and Marks 2004, Bulkeley et al 2004). Even though the nation-state in many situations can be argued as no longer the sole actor in policy making, the MLG-model does not reject that the state still is a central actor. The state is one of many actors influencing the decisions at the multiplicity of existing levels and it is very much a part of the European “puzzle” (Hooghe and Marks 2004, Bulkeley et al 2004, Bulkeley and Betsill 2003).

2.2 Vertical implementation and divergence

To quote Jan Michiel Otto, “Discussing implementation of the law requires that we consider law-in-action rather than law-in-the-books. [...] Studying implementation of the law forces us

to cross the bridge from the conventional study of law to the study of socio-legal reality” (Otto 2002, p.23). For EU-directives to be implemented in a secure manner, it requires coordination across the multiple levels of governance in the EU (international, national, local, municipal etc.). Implementation-issues in a context of multi-level governance is however complicated since there is a strong possibility of differing interpretations. This is challenging the goal of reaching a clear and unanimous interpretation of directives from a supranational level. Already existing systems and norms in the different institutions, that may differ from context to context, could affect the outcome (Keskitalo & Pettersson 2012, Prechal & van Roermund 2008, Hydén 2011).

Håkan Hydén (2011) describes a vertical perspective of implementation with some similarities to MLG type I. He argues that implementation of laws never exists in a social vacuum. In today’s globalized setting, an international directive or convention might be the starting point for the implementation process and the basis for development on following levels. The legislation is then formed on the national level, where problems in integration have to be expected due to every specific legal culture. Lastly, the implementation reaches the society where the law has to compete and cooperate with already existing norms (Hydén 2011). In the process of implementation, distortions and divergences appear at every level, influencing the final outcome. Hydén illustrates this through the figure below:

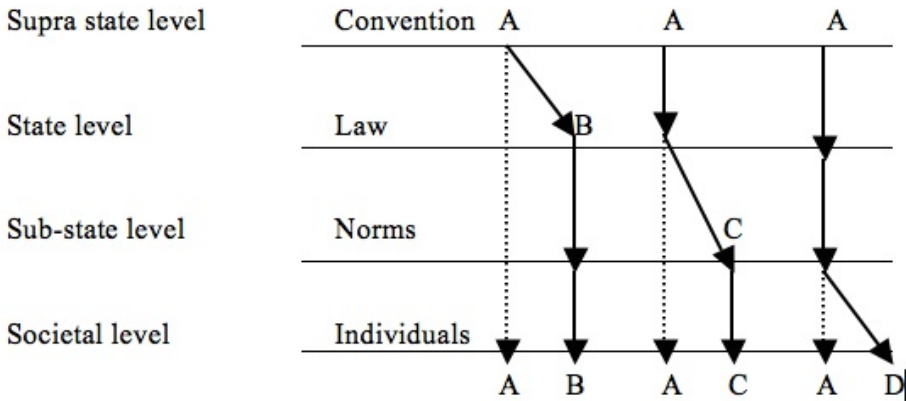


Figure 2: Possible distortions in a vertical implementation process. (Hydén 2011).

In an ideal implementation-process, the directive will be fully translated into the national level that in turn will influence the traditions and behavior in the society (A). There might however occur a distortion between the convention and the national law, thus implementing something else due to for example misunderstandings (A-B). There might also arise problems between

the law and the norms in the society, converting the law into the norm (A-C). Already existing norms might also “filter” the law, turning it into something distorted from the first intended objective of the law (A-D). Hydén (2011) argues, “the problem of implementation is to understand how norms are constituted and how they can be changed.” He thus argues that there will be a problem in the implementation when the norms in the local society do not reflect the content in the international law. However, the content of the law itself might also be damaging for the implementation (Hydén 2011, Prechal & van Roermund 2008).

Prechal and van Roermund (2008) also consider problems of divergence in the EU by discussing the notion of conceptual diversity. Conceptual diversity is not the same as linguistic variance - a concept cannot be divergent in itself but rather in a relation between for example two agents who share a specific set of terms. The divergence can be caused by multiple factors, differences in legal cultures is one of them (Prechal & van Roermund 2008, p. 4). Conceptual divergence is especially important when it is located in a specific legal order that is common to a number of agents. If the cooperation and commitment were to be abolished in the legal order, we would no longer be able to discuss conceptual divergence but merely differences in legal orders. Conceptual divergence exists in all legal orders, but it is particularly interesting in the legal context of the EU. Behind the common laws of the European Union, there is always a concern for the domestic law, either as the point of departure or the point of arrival. This does not necessarily mean that the EU law is biased in favor for the domestic law, but rather that the exercise is regulated against the domestic system that the Member States can call “its own”. Divergence in EU-law could stem from multi-lingualism in the EU-legislation, leading to incorrect translations when the law that is enacted at a supranational level is enforced and applied by national authorities. Thus the shift to application and enforcement on the national levels, as well as socio-political constellations that vary between the Member States is all part of the divergence (Prechal & van Roermund 2008, p. 6-7).

In the Figure below, I have illustrated the theoretical framework that I will use in my thesis, which is a combination of MLG type I, Hydéns vertical implementation and the possibility of conceptual divergences.

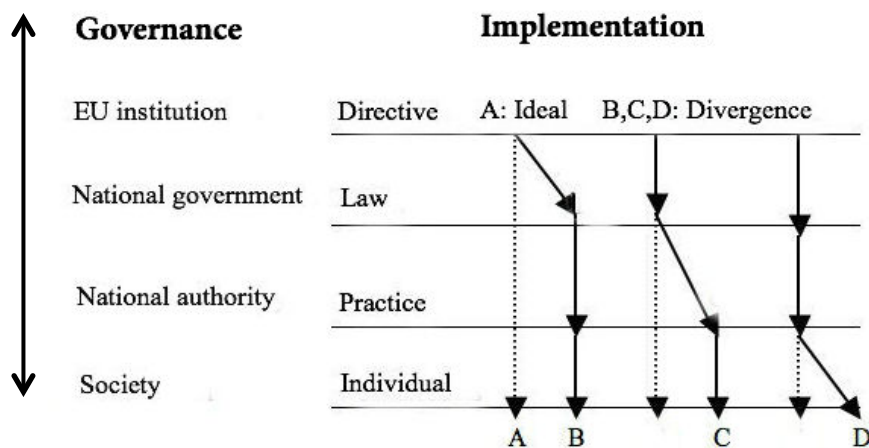


Figure 3: MLG I and Hydens vertical implementation process specific for my research questions.

The EU-institution, national government, national authority and the society represent the multiple levels of governance. It contains actors from the supra-state level to the local level that divides and shares the power of governance. The implementation-process is illustrated by the transition from directive into law, from law into practice and from practice into reality for individuals in the local context. (A) is the ideal implementation-process where the intended directive is fully implemented into law and practice. (B), (C) and (D) illustrate divergences, for example due to conceptual diversity, in the different levels of governance that alters the outcome of the implementation process. Since I am focusing on the implementation of the reception conditions directive in Sweden, I will mostly focus on the state level (where the directive from the supra-state level integrates the law) and the national authority level (where the law integrates in practice). I will however also touch upon the supra-state level as well when discussing the changes between the 2003 directive and the revised directive from 2013.

2.3 Relevance to sociology of law

Multilevel governance and similar approaches of European governance is often rooted in the political sciences. MLG is not commonly used in the field of sociology of law, but Julia Naujekaite (2011) have discussed the role of MLG in her dissertation in order to understand the implementation process of the Kyoto protocol to the national level. She understands the MLG as a EU governance system with a top-down process of policy implementation where interactions between arenas, legal norms and distributions of tasks all play a role (Naujekaite 2011).

In this thesis, I will rely on the theory of multi level governance and implementation-theory, but with the approach towards sociology of law. I will not only focus on the law-in-books, but also the law-in-action. I will move away from the view that the sovereign nation state is the sole actor, simply imposing state law on the society. Instead, I will focus on the EU and all its governing levels as a "network of network of networks" where law is created within the community due to the regulatory need of that network of community. With that premise, we will no longer see the law as imposed upon the society, but rather integrated in social life (Cotterell 2012). However, since the EU-directive that is studied in this thesis is present in so many governing levels (from society to the supra-state level) it will be integrated and implemented into different communities where the directive and its regulations will relate in different ways. At every level (or network of community) divergence might take place and alter the outcome, as presented in figure 3 above.

The choice of using qualitative semi-structured interview works well with this theoretical standpoint since it produces insight in the understanding and integration of the EU-regulation on the local level. In this case, it is the understanding of the reception conditions directive in the context of the Migration Board by a number of selected employees. However, the respondents in my interviews not only have insight of the reception work on the local authority-level but also to some extent on the national and EU-level. Hence, they can express interesting aspects of implementation and integration on all the multiple levels of governance.

3. Previous research

This chapter will give a short description of research done in the past in regards of implementation-issues of asylum directives in the Member States of the European Union.

3.1 Method when collecting previous research

When collecting the material of previous research done in the field, I used the database EBSCOHOST. In order to do a structured search, I identified key-concepts in relation to my research questions and created combinations of these. In the first search I used the words "implementation", "reception" and "asylum". I only got 8 search results and 2 of these matched my interest – they contained elements of an implementation-aspect as well as

elements of reception and asylum. I excluded the other results due to their written form (conference-notes etc.) and since some were written in other languages than English. In my second search I widened the scope and used the words “implementation” and “asylum” and “European union”. Here I got 56 search results, and I included 11 of these in my review since they contained elements of implementation-aspects, asylum and the European Union.

3.2 Implementation of European Asylum Directives

The previous research show some general trends regarding the matter of implementing asylum-laws established by the European Union. For example, even though the European directives were meant to harmonize the asylum-laws throughout the member states, a number of studies come to the conclusion that there are substantially different standards at the national levels. The desired convergence of the member states has thus not been reached yet (Rosenberger and König 2011, Monar 2013, Köklü 2011, Storey 2008).

The member states in the EU all have different problems regarding the full implementation of the EU directives and consequently, the national authorities all face different implementation-issues. Through a case study of Austria, Rosenberger and König (2011) found that the variations between national laws and European laws stems from wide margins of administrative discretion and conflicting interests between federal and regional governments (Rosenberger and König 2011, p.537). The continuing conflict between the federal government and the nine provinces over asylum-issues are shaping the diverse outcomes for the asylum seekers on a daily basis (Rosenberger and König 2011, p. 539). More precisely, strict dispersal schemes, diverse types of accommodations and the involvement of third-part actors in the receptions of asylum-seekers make the asylum process a lottery for the asylum-seekers. This shows that the instruments that are used at the national levels are paving ways for considerable rooms for maneuvering the directive, both at national, regional and local levels, and thus being an obstacle for an easy implementation of the EU asylum directives (Rosenberger and König 2011, p. 539).

The member states can also face problems due to big and unanticipated migration flows that are out of their control. For example, during the Arab spring, Italy received a vast amount of asylum-seekers, nearly 6-7 times more than the ordinary capacity for their national reception system. In cases like these, research has shown that the EU is not fully equipped to assist

member states in order for them to uphold the minimum standards in terms of reception and protection in the EU directives. Nascimbene and Di Pascale (2011) argue that compliance with the EU regulations in such extraordinary cases is fully dependent on the will of other member states to voluntarily offer assistance (Nascimbene and Di Pascale 2011, p. 359).

In order to distinguish asylum issues in the member states, Buchinger and Steinkellner (2010) have studied jurisprudence from the European Court of Human Rights. Rulings from the court have influenced national courts' interpretation of the legislations, steering them towards the norms and rights in the European convention of human rights (Buchinger, Steinkellner 2010, p. 435). A number of cases regarding asylum seekers being denied state benefits have been identified in the United Kingdom and Austria. There are a major problems in Italian detention-centers and other temporary centers, where ill treatment by police and social workers has been identified. The centers are also heavily overcrowded with poor hygienic and sanitary conditions (Buchinger, Steinkellner 2010). In Slovakia, the asylum procedures are also flawed. For example, individuals in need of international protection must utter the word "asylum" in their examinations to be fully assessed, something that they are naturally not aware of (Giuffr  2013, p. 88). The judicial system in Greece, as well as the Greek police, is using a disproportionate use of force towards asylum-seekers (Buchinger, Steinkellner 2010, p. 426-427).

Greece has also in multiple cases breached the Dublin II-regulation that determines what member state is responsible for examining asylum applications in order to prevent abuse of asylum procedures (Papadimitriou & Papageorgio 2005, Mink 2012). Regardless of this regulation, Greece uses a specific provision in their national legislation that allows the national authorities to interrupt asylum assessments when the asylum seeker arbitrarily leaves his place of residence (Papadimitriou & Papageorgio 2005, p. 299). This shows an example on when two legal systems in the EU overlap and in turn has big consequences for the individual asylum seeker. The outcome for the applicant may thus change dependent on which member state that assess their claim. Correct asylum-procedures are very dependent on the good will and cooperation between the member states. Asylum seekers can be shipped between states, each state claiming that the individual should have applied for asylum in the other state. In the Dublin-regulation and in readmission agreements with countries outside of the EU, this is a common problem. Asylum seekers from Poland have for example been sent to Ukraine, and both Ukraine and Poland states that they should apply for asylum in the other

state. Similar cases have been identified between Italy and Egypt, where the asylum-seeker keeps getting directed to the other country (Giuffré 2013, p. 88-89).

Authorities might not be aware of the fact that many of the problems of ill treatment stem from racial motivations. The attitudes towards asylum-seekers and asylum-issues are in fact often quite hostile in its nature (Buchinger, Steinkellner 2010, Rosenberger and König 2011). National political “spillover”, which may not always be very rational, is a prominent issue when trying to fully implement asylum-laws in the member states (Monar 2013, p. 136). The perception and norms generated in a member state will have great effect on the correct implementation of asylum directives. In the Czech Republic, representatives from the Department of Asylum and Migration Policy were portraying asylum seekers as abusers of the system in many ways. For example, if their actions did not correspond to the Czech republics legal systems, they were perceived as abusers, and thus not deserving of state protection in form of residence and employment (Szczepanikova 2011, p. 800).

In the asylum process, some groups of people tend to be especially vulnerable and at most risk. Drywood (2011) states that children in the asylum-process are in need of extra protection since they are facing “double jeopardy” of their status as both migrants and children. This means that the children can be put aside and have difficulties that are not taken into account in the existing legal systems, which most of the time are age and gender skewed. Elaborated mechanisms thus need to be put in place in the national systems to be able to ensure that the children rights are upheld in the process (Drywood 2011, p. 409). Moreno-Lax (2011) identifies another group that is being put at risk in asylum-procedures in the EU - the people at distress at sea. Minimum guidelines for joint maritime operations has been hard to reach, due to fear from member states that it would encourage third country nationals to travel to EU by sea. The member states are thus placing political convenience and economical costs before their international obligations. Besides this, rescue operations are used inconsistently throughout the EU. When rescue operations occur in territories around third nation countries that EU is cooperating with, it is anticipated by the EU that the responsibility belongs to the other countries alone (Moreno-Lax 2011 p. 177).

Even though most studies are researching asylum-regulations and asylum rights on a more general level, some research has been made on the specific directives in the Common European Asylum System (CEAS). The most commonly used directive in previous research is

the Qualification Directive that is stating the definitions and qualifications regarding refugees in need of international protection. However, some focus has been put on the directive that I will focus on in this thesis – the Reception Conditions Directive. Rosenberger and König (2011) argues that the reflection of the intergovernmental inheritance, as well as the strong national interests, can both be reflected in the negotiations and the implementations of the Reception Conditions Directive. The directive from 2003 consists of minimum standards, something that has lead to great variations concerning implementation in the member states. Rosenberg and König explains this variations through the implementation-process that gives room for the member states to put the bar at any level they want – either at a higher level, or just on the minimum level (Rosenberger and König 2011, p.538). Today the CEAS have been reworked, but Eaton (2012) point to the fact that there probably will be inconsistency when implementing them in the member states today as well. For example, some parts of the CEAS are incompatible with international law and the refugee convention, thus making the text in itself quite confusing. There is in fact a dichotomy between international laws and European laws regarding refugees' rights (Eaton 2012, Mink 2012). When providing multiple standards for asylum issues, it is unlikely that it will end up in greater harmonization. Since all the member states in the EU are signatories to the refugee convention, the standards in the convention might be the benchmark the member states should be aiming for instead (Eaton 2012, p. 792). The notion that the CEAS is standing in contrast to international law is being debated. Scholarship has many times labeled bilateral agreements (especially asylum readmission agreements) as damaging to the rights of refugees. However, Giuffré (2013) argues that there seems to be no or little conflict between European readmission agreements and human rights law regarding the actual textual content in the agreements. Nevertheless, as soon as we shift from law in books to the actual implementation, the relationship between these legal systems are no longer as consistent (Giuffré 2013, p. 87). This is especially accurate in readmission-issues of asylum seekers. However, Giuffré argues that readmission agreements only are subsidiary to the other directives regarding asylum in the EU. The returns and transits of people migrating to the EU becomes applicable first when they have been rejected in relation to the Procedures and Qualification Directives, thus once again putting emphasis on the importance of correct implementation of the CEAS-directives (Giuffré 2013, p. 110).

How well implementation of EU directives regarding asylum laws works can of course stem from how close the national legislation already is to the EU legislation (Storey 2008, p. 37).

Nevertheless, patterns of faulty implementations can be found in numerous member states, not only in practice but also purely textual. In 2008, after the implementation of the Qualification Directive, many countries failed to incorporate special definitions and provisions from the directive (Storey 2008, p. 45). The idea of who is a refugee and who is not, as states in the Qualification Directive, may also play a role in the asylum assessments in the member states, regardless of the written definition. For example, Szczepanikova (2011) writes, that in the Czech Republic, refugees who have been “pre-approved” by NGO’s, and who can be seen as most appropriate for integration, have at multiple occasions been selected by the Czech state. This means that more unexpected asylum seekers that are emerging outside of the state control wont get their rights as asylum seekers fulfilled in the same manner. Political interests and control over migration flows are thus at play once again, moving far away from the notion of asylum as a human right (Szczepanikova 2011, p. 804).

If Member states are so reluctant to implementing the directives as the EU has planned, then one can ask why they are cooperating in this area at all? Research in Germany and the Netherlands has shown that the cooperation stems from the states socio-economic concerns, for example such as restricting asylum from third country nationals and attracting high skilled workers. Thus, the member states are keeping the preservation of these interests in mind when negotiating policies at the EU level rather than trying to achieve an efficient policy as might be suggested by a supranational perspective (Köklü 2011, p. 126-128). However, even though most research give a rather pessimistic output on the implementation of the CEAS-directives, some research has actually shown that the CEAS has had a harmonizing effect in some aspects. Germany is for example corresponding more closely with the UK and France practice after the implementation of the directive, shedding some bright light on the future CEAS implementations (Eaton 2012, p. 768).

The previous research shows many imperfections in the asylum systems in the member states. Little research has however been conducted in Sweden, and no research seems to be focusing on material reception conditions in particular. I intend to put focus on these two aspects in this thesis.

4. Method

I have chosen a qualitative approach in this thesis in order to examine the implementation of the reception conditions directive more closely and to be able to more deeply problematize the implementation of the directive in Swedish law and practice. I conducted semi-structured interviews with key informants at the Swedish Migration Board. The semi-structured interview usually consists of a thematically constructed interview-guide, making it possible to enter deeply into the subject and creating discussions about the questions that the interviewer brings up (May 2001, Galetta 2013).

4.1 Participants

The participants were selected through a purposive sampling method, which is a non-random way of including a certain category of persons or cases in the sample of a project. The researcher assumes that certain people will have important information and perspectives to share with regards to the research question. This assumption is based on the researchers theoretical understanding of the subject (Robinson 2014, Oliver 2006). With my understanding of the material conditions reception in Sweden, I concluded that the key informants were to be found at the Swedish Migration Board since they are the authority responsible for the reception conditions in Sweden. However, since there was no contact information to the employees at the Migration Board to be found, I could not single-handedly select and contact individuals at the Migration Board. Instead, I got in contact with one employee at the reception unit at the Migration Board to whom I described what topics I wanted to discuss. That way, I received further contact information to five employees at the Migration Board with connection to my research questions.

The five employees were located in three different districts in Sweden and they had all worked on the Migration Board for a different amount of time: between 3,5 years and 27 years. They all had higher education spread over the areas of social work, law, political science and social psychology. Out of the five interviewees, there were one woman and four men. The respondents had upper positions in the Migration Board, such as experts and chiefs at certain areas of practices. As a researcher, I am aware that 5 interviews are not enough to fully exhaust the issue that I am studying. However, since I was not interviewing the administrators and the decision-makers at the Migration Board (that are of much greater number), but rather selected chiefs and experts, these are naturally limited in number. Besides

this, I am aware that the study could have benefitted from more interviews. When using the data from the interview, I will not quantify or generalize the respondents' answers. I will instead use them to point at underlying causes or requisites that are interesting to discuss in my research.

4.2 Data-collection

Prior to the interviews I sent out e-mails to all participants for an informed consent. In the mail I described the purpose and aim of the study and what I wanted to discuss with them. I also informed them that with their consent, I would like to record the interviews and that they would be completely anonymous. The interviews were held over the phone and the time for the interviews were decided beforehand during e-mail and/or phone-conversations. The interviews were held 12/3, 19/3, 20/3, 21/3 and 28/3 and lasted for approximately 30 min each. All interviews were recorded and transcribed. I labeled each interview with a number in order to avoid the attachment of the participants name to the information, thus ensuring their anonymity. Presenting the respondents names and positions in my thesis could in some aspects have been an advantage and it could have been given the study more explicit legitimacy. However, reception conditions of asylum seekers are still a rather delicate and debated subject, and I wanted the respondents to feel free to speak their mind regarding the subject without worrying that they might say something that did not generally represent the authority they worked for. I believe that it is more likely that the conversation will be flowing, natural and without any restrictions when the respondent is ensured of his or her anonymity. The interviews were held in Swedish and the transcribed material is thus also written in Swedish. For the thesis, quotations have been translated into English. With any translation, there is a risk of losing information. In order to not create ambiguity in the quotations, I have tried to keep the general tone of the respondents' answers, i.e. their phrasings, reiterations, hesitations and sentence constructions. When necessary for further clarity, I have presented some of my questions and expressions in order to give the reader more insight in our dialogue.

The interviews will not solely constitute as the empirical facts in my thesis. The respondents are thus not exclusively defining the situation in Sweden per se, but the interviews will be used in order to problematize the other collected material on the matter. This material is presented in for example chapter 5 and 6, regarding EU and Swedish legislation and

guidelines and documents from the Migration Board. The interviews are consequently used in order to create more depth in the discussion regarding the other data.

4.2.1 Designing the interview-guide

I used an interview-guide as a foundation for each interview to be able to discuss similar topics in all conversations. However, since it's only an interview-guide and not a specific questionnaire I only used it as a guideline and each conversation were unique due to the open and informal characteristics of the conversations. The interview-guide does not need to be as specific as questionnaires in structured interviews, so I constructed a guide covering the areas that were of interest to the research. The important thing is that the questions in the interview give the respondent the chance to express how they are experiencing the issue and to give the interview flexibility. The designs of the questions thus need to be open and not too specific since it can impede the outcome of alternative ideas and approaches that might arise during the collection of empirical data. That would overall not be coherent with a qualitative method focusing on the experiences of the persons being interviewed, as well as the fact that the interviewer should not conduct his or her research with preconceptions regarding the issue (Bryman 2011, Ayres 2008).

When designing the interview-guide, the researcher can start off by asking what might be perplexing or unsure about the issue at hand. The researcher should also ask: "What do I need to know to answer my research question?" When doing this, the researcher needs to create a picture of what the interviewees might find important in relation to the research questions or themes in the research (Bryman 2011, p. 419). I had these questions in mind when I designed my interview-guide for the staff at the Migration Board. First, I started by going back to the problem description to identify some areas that might be perplexing, and then I focused on my research questions and what I would need to know to answer them. I went through the Migration Boards annual report to find what they defined as problematic regarding the asylum reception in Sweden during this process. I ended up with three central themes to discuss in the interviews; general discussions on the accommodations provided by the Migration Board, the work of the Migration Board regarding the material reception conditions and the future work with the new reception conditions directive from 2013. The interview guide is attached as an appendix at the end of the thesis.

4.3 Data-analysis

When analyzing the material from the interviews, I have used a method of thematic analysis. To be more precise, I have used the matrix based analysis method “framework” that was developed during the 1980s at the National Centre for Social Research. The central element of the method “framework” is stemming from the thematic framework where you organize and categorize data through key themes, concepts and emergent categories. The themes and subtopics that emerge from each study will be further developed and refined together with the raw data. This is done by first identify topics when browsing through the transcribed material. These topics are often large in number, and are thus in need of sorting under a number of main themes. Each main theme will be displayed in a matrix or charter where every interviewee is given a row and each column represents the distinct subtopic. The data from the interviews are then synthesized into the appropriate part of the thematic framework (Ritchie et.al. 2003, p.220).

I started off by doing a thorough review of the data and wrote down important categories and concept in relation to the material. This was done by closely reading each interview; locating meaningful texts and assigning names or codes to fully capture the ideas relevant to my research questions (Galletta 2013, p. 125). Some of these codes were; *quality of the accommodations, differences between accommodations, new ways of working at the Migration Board, mass-influx* and *attitudes towards the reception conditions directive*. Altogether, I identified 16 different codes. I then started to construct a manageable index by detecting links between the codes, thus grouping them thematically. The main themes were; *accommodations, method of working at the Migration Board, the EU-directive* and *challenges to come*. I also used one main theme called *other* in order to not loose any important data that might not fall entirely under the other main themes. Through the main and sub-themes, I could then create and complete the index by synthesizing the data under the appropriate main and sub-theme³.

4.4 Trustworthiness

A number of qualitative scientists have discussed the irrelevance of the concepts “reliability and validity” in qualitative research. Since measurements are of no primary interest to the

³ See appendix 1 for the thematic framework for my thesis.

qualitative scientist, the question of validity can be argued as having little importance for qualitative research. The usage of criteria grounded in reliability and validity is also presuming that it is possible to reach a single and absolute picture of the social reality (Bryman 2011, Given & Saumure 2008).

Qualitative research can instead be evaluated and assessed through another criteria; trustworthiness. The trustworthiness is constituted by four sub criteria that have equivalents in qualitative research; credibility (internal validity), transferability (external validity), dependability (reliability) and confirmability (objectivity). The *credibility* in qualitative research is focusing on the importance of the portrayal and description of what the researcher is presenting as his or her findings. In qualitative research where there might be multiple descriptions of the social reality, the credibility is crucial when assessing whether the findings are acceptable or not. The researcher might for example ensure credibility by assuring that the research is executed in line with social science research rules and practices. Qualitative research is often focusing on an intense study on few people, thus focusing on contextually unique results. The *transferability* is in qualitative research focusing on thick descriptions; ample and packed descriptions of details in the researched context and culture. This will furnish researchers in the future with a “database” that can help them evaluate if the results are transferable to another context or environment. Creating a profound and accessible record of all the phases of the research-process can ensure the *dependability* of the study. This contains everything from problem descriptions, method of sampling, transcriptions of interviews, decisions regarding data analysis etc. The *confirmability* in qualitative research means that the researcher, based on the perception that it is not possible to reach complete objectivity in social research, is trying to ensure that he or she is acting in good faith. The research should be described in a way that ensures that the researcher has not deliberately allowed any personal values or theoretical orientations affect the outcome of the study (Bryman 2011, Given & Saumure 2008).

I will not try to position the outcome of my study as a final version of the social reality, but merely present my study as one of a number of possible representations in the field. I will try to strengthen my research with the help of the strategies outlined above regarding trustworthiness. I will do this by incorporating detailed descriptions of all the phases in my study, from my choice of theory and method to analysis. I will present thorough descriptions of my findings, the context and the environment of the study. I will, as far as possible, ensure

my objectivity as a researcher by for example present quotations from my interview to strengthen the analysis and reduce the space for own interpretations of the respondents' experiences. I am also adding my thematic framework (where I coded and categorized the interview-data) and my interview guide as appendixes for the reader to take part of.

5. Asylum in the EU

Asylum applications within the EU have increased during the last 40 years. In the 1970's, there were approximately 30,000 asylum applications in the EU countries. In the following years, migration to Europe increased from 70,000 asylum applications in 1983 to 670,000 in 1992. Before the 1990's, asylum had thus not been a key concern in the political climate, which means that the policies in the countries around Europe varied. This contributed to the fact that countries with more welcoming policies were disproportionately affected by the asylum migration within Europe. In 2011, the United Kingdom, France, Germany, Belgium, Italy and Sweden together accounted for 77% of all asylum seekers in the EU – six countries out of twenty-seven thus accounted for more than three quarters of the asylum seeking persons that came to Europe (European Commission 2012).

5.1 Legal history of Asylum Laws in the EU

The EU has touched upon the issue of common rules for migration and asylum early on. In 1956, with the establishment of the European Economic Community through the treaty of Rome, the matter of migration was mentioned in article 3. The article stated that the community should take measures in regards of the entry and movement of persons. The first big step was however the establishment of the Schengen Agreement 1985 that abolished the boarder controls between the signatory Member States of the Union. It also encouraged harmonization of boarder controls to non-EU countries, and to establish common rules for visas. The Schengen-area has later on been called for "fortress Europe" due to its strong focus on the internal security. When the European Union formally was established in the Maastricht Treaty in 1992, asylum and immigration issues were established as a policy area based on intergovernmental cooperation. In 1997, the Treaty of Amsterdam then changed the way the EU worked with asylum and migration issues by moving it from the third pillar to the first pillar, creating a common area of freedom, security and justice with focus on for example asylum. This meant that asylum and immigration issues were to be regulated through

legislation via the EU-institutions instead of the previous cooperation where the Member States had more individual sovereignty (Meyerstein 2005, p. 1519-1520). This shows that before 1997, the theory of MLG had no or little things to explain regarding the asylum regulations in the EU due to the fact that the issue primarily was regulated through intergovernmental cooperation. Since the Treaty of Amsterdam, asylum regulations have however changed into being regulated through legislation by the EU-institutions. The focus on a common area of freedom, security and justice in the first pillar of the EU is very interesting to discuss via the theory of MLG due to its horizontal character based on legislations from EU-institutions.

The work on adopting harmonized and common asylum laws in the EU can be summed up in three framework programs; the Tampere Program, the Hague Program and the Stockholm Program (Fontaine 2010, p. 59). In the Tampere Program (1999-2004), the EU called for a common approach towards migration by working towards an establishment of a common European asylum system, fully equivalent to the Geneva Convention. The program clearly stated that the common system should include minimum standards of reception conditions for asylum seekers (European Parliament 1999, Buono 2009). The Hague Program from 2005 was the second phase in the establishment of a common asylum system. The Hague Program determines that the Member States immediately needs to implement the legal instruments from the first phase and states the need for the member states to provide satisfactory reception facilities during the work of fully establishing a common asylum procedure (The Hague Program 2005).

The Stockholm program is the last one out of the three framework programs in the work of creating a common European asylum system. In the program, it is stated that the common European asylum system (hereafter CEAS) should be established by 2012 (The Stockholm Program 2010). Today, we know that the EU couldn't reach a common decision until mid 2013. Many aspects of asylum as a common area of protection and solidarity are set up in the program with for example sharing of responsibility between the member states and cooperation with UNHCR (United Nations High Commissioner for Refugees). The program also contains some more specific goals regarding receptions conditions. For example, the program describes the need for each member state to give equal treatment in regards of reception conditions to the asylum seekers. The goal is that all similar cases should be treated equal, and thus have the same end result (The Stockholm Program 2010).

5.2 The Common European Asylum System (CEAS)

EU has acknowledged the fact that with its ideas of open borders and freedom of movement, the member states need to have a joint approach towards asylum in order to ensure high standards for all refugees searching protection in the EU. Every member state must have the same procedures to ensure fair and effective assessments of asylum applications. Therefore, the EU has established a Common European Asylum System. In 2013 after a period of reflection on what direction to head for regarding the common system, new rules were adopted in completion of the CEAS. These were: the revised Asylum Procedures Directive, the revised Reception Conditions Directive, the revised Qualification Directive, the revised Dublin Regulation and the revised EURODAC Regulation (European Commission 2013). The establishment of the CEAS is in many ways characterized by the ultimate point of the MLG where legislation from the EU-institutions transitions horizontally to national and local levels. In this specific case, the implementation and transition also has the aim that all national systems should be harmonized within the European Union, thus making it even more complex in the EU-context.

5.3 The Reception Conditions Directive - 2003

The Reception Conditions Directive contains rules that ensure access to housing, food, health care, employment and medical and psychological care for the asylum applicants in the EU. The rules in the directive are applicable for asylum seekers while they are waiting for the examination of their applications.

The regulations regarding material reception conditions are established in article 13 and 14 in the 2003 reception conditions directive. Article 13 establishes that all member states “shall ensure that material reception conditions are available to applicants when they make their application for asylum”. It also states that the member states shall make provisions to ensure an adequate standard of living for the asylum seekers health and subsistence. This should also be ensured to all applicants who have special needs and to persons in detention. The member state can require the asylum applicant to cover, or partly contribute, to the costs of the material reception conditions and the health care if the applicant has the resources for this. The member state can provide the material reception conditions through financial allowances, vouchers, in kind or a combination of the above mentioned provisions (2003/9/EC, article

13). Article 14 establishes that all accommodations provided in kind should be in the form of accommodation centers with an adequate standard of living or private houses, flats, hotels etc. The member states needs to protect the applicants' family life and ensure their possibility to communicate with relatives, legal advisors, UNHCR and other NGOs. The member states shall also ensure that minors are lodged with their family members if appropriate, that transfers of applicants between accommodations are used only when necessary, ensure access to the accommodations for legal advisors and representatives from UNHCR and prevent assault in their accommodations. The material reception conditions may differ from the rules stated in the directive in special cases, but only for a shorter period of time. This is accepted in the initial assessment of the applicant's needs, when material reception conditions are not available in some geographical areas, when the asylum seeker is in detention or when housing capabilities that normally are available are exhausted (2003/9/EC, article 14).

5.4 The Reception Conditions Directive - 2013

The European Commission has expressed their concern regarding the directive from 2003 since the practices in the member states regarding these matters were diverging, which in fact lead to inadequate conditions for the asylum seekers in some of the member states. The first reception conditions directive from 2003 will be valid until the 21th of June 2015, when the new one becomes applicable. The European Commission describes the new directive as better, with more harmonized standards for reception conditions in the EU.

The rules regarding material reception conditions are regulated in article 17 and 18 in the revised directive. The articles are in many ways similar to the ones in the directive from 2003. It still states that the member states shall ensure material reception conditions for all asylum applicants when they make their application and that these accommodations shall provide an adequate standard of living for every asylum seeker – thus also the ones with special needs. However, the new directive is no longer only stating that the material reception conditions needs to ensure the asylum seekers health, but are instead specifying the need to guarantee the asylum seekers physical and mental health. The revised directive also clarifies that when the member state is providing for material reception conditions, especially when provided in kind, the asylum seekers may be given less favorable conditions then the nationals in the member state (2013/33/EU, article 17).

The new directive is no longer using the term “application for asylum” when stating rules regarding accommodations but is instead using the term “application for international protection”. The rules regarding the right for the asylum seeker to communicate with different actors is no longer bound to be NGO’s that are recognized by the member state, but can be any actor – national, international or nongovernmental. Also, family members are now granted access to the accommodations in order to assist the applicants, something that was only designated for legal advisors and representatives from UNHCR and NGO’s in the directive from 2003. The new directive is no longer specifically describing that minors should be lodged with their family, but are instead asking each member state to take all gender and age-specific concerns under consideration, as well as vulnerability of persons, when deciding on placements. The new directive also states that the member states not only shall prevent assault but also all gender-based violence within their accommodations. There is also new decisions regarding dependent adult applicants with special reception needs that states that they as far as possible should be accommodated together with close relatives present in the member state who are responsible for them. The rules regarding for when the member state can set modalities for the material reception conditions different from the rules stated in the directive is also improved. It is now only acceptable for a short period of time when an assessment of specific needs for the asylum seeker is required and when the housing capabilities normally available are temporarily exhausted, thus no longer when the asylum seeker is in detention or when some geographical areas are lacking material reception conditions (2013/33/EU, article 18).

6. Regulation of reception conditions in Sweden

The Swedish Migration Board is the authority that examines and grants asylum in Sweden. The rules regarding who is entitled to asylum and protection are regulated in the UN refugee convention that Sweden ratified in 1954 and in the Aliens Act⁴ in Swedish law. The most relevant law in relation to reception conditions in the asylum process can be found in the Reception of Asylum Seekers and Others Act⁵. In January 2003, a study commissioned by the State was conducted in order to investigate how Swedish law corresponded to the minimum standards set up in the reception conditions directive from 2003. The study concluded that

⁴ Utlänningslag 2005:716

⁵ Lag om mottagande av asylsökande m.fl. 1994:137

Sweden fulfilled the provisions regarding material reception conditions, both judicial and practical (SOU 2003:80, p. 143). Through the perspective of MLG, this study is thus implying that the transition of governance regarding asylum laws, from the EU to the national and local level, is working without interference or distortions in the Swedish context.

6.1 The Reception Act in Sweden

The reception conditions in Sweden are established in the law called “Reception of Asylum Seekers and Others Act”, hereafter named the Reception Act. The law is applicable to all individuals seeking asylum when being defined as a refugee or otherwise in need of protection as stated in the Aliens Act. The asylum seeker is covered by the regulations in the act from the time the application is submitted until a decision has been made, whether the residence permit gets granted or rejected. The Reception Act states that the Migration Board has the main responsibility for the reception of all asylum seekers and for running accommodations. The Migration Board can however decide to entrust this duty to other actors if they want. The Reception Act further states that the Migration Board shall offer accommodation at a reception unit for the asylum seekers. All asylum seekers should be registered at a reception unit, regardless of where they choose to stay during the examination of their application. The Reception Act is not only stating the Migration Board’s responsibility to run accommodations, it is also stating the asylum seeker’s *right* to accommodation during their wait. The Reception Act has some special regulation for reception conditions for unaccompanied children. For example, the authority being responsible for accommodations for unaccompanied children is not the Migration Board, but the Swedish municipalities (The Reception Act 1994, Government Offices of Sweden 2011). In an ordinance (1994:361) to the Reception Act, further descriptions are given regarding the reception of asylum seekers. The ordinance states that the Migration Board should inform the asylum seeker about their rights within 15 days after the asylum application has been filed. The information should be given in writing in a language that is understandable for the asylum seeker. The Migration Board should try to keep all families together when offering room at a reception unit. The Reception Act is stating the obligation for the Migration Board to offer accommodations to the asylum seekers, but there is no standards or specific rules regarding the quality of the accommodation in the act.

There are more legal documents that in extension also are part of the reception conditions for the asylum seekers. For example, the law on healthcare for asylum seekers⁶ establishes that asylum seeking children has the same right to health care that other persons residing in Sweden, and that adult asylum seekers have the right to health care that can't defer.

6.2 The Migration Board's accommodations

The Migration Board offer housing for the asylum seekers during the wait, called ABO⁷. The accommodation can be placed anywhere in the country where the Migration Board has available flats. It is also possible for the asylum seeker to arrange accommodation on their own with family or friends. This type of housing is referred to as EBO⁸. Most of the accommodations offered by the Migration Board are placed in small or medium sized towns in Sweden in blocks of flats. Single asylum seekers are commonly placed in shared flats with other asylum seekers with the same sex. Families get own rooms, but might get to share a flat with others. Since most of the asylum seekers have a right to legal assistance, the Migration Board is appointing a legal assistant to the applicants when they apply for asylum if they want (Migrationsverket 2014a, 2014 b, 2014c).

The asylum seekers that choose the accommodations offered by the Migration Board are granted to stay there during the entire wait for a decision on the asylum application. If the asylum seeker has money, he or she must pay for the residence. However, if the Migration Board sees that the asylum seeker is without money, they will bear the expense. The accommodation will be equipped with all the furniture and equipment that the asylum seeker need. The Migration Board inspects the accommodation and all equipment before new asylum seekers move in to see that everything is in place and in good condition. If needed, the staff from the Migration Board will come visit if any repairs or likewise is needed during the stay (Migrationsverket 2014b).

In 2011, the Swedish Migration Board together with the Swedish Standard Institute (SIS) agreed that the different accommodations for asylum seekers varied too much in quality. The SIS and the Migration Board thus drew up common guidelines for the quality of the

⁶ Lag om hälso- och sjukvård åt asylsökande m.fl (2008:344)

⁷ Anläggningsboende (Accommodation by the Migration Board)

⁸ Eget boende (Accommodation with family or friends)

accommodation. The guidelines became a support for the staff at the Migration Board when working with the accommodations for the asylum seekers. In the long run, the guidelines are aiming at being a foundation for the development of a national standard, and perhaps the standardization work in Europe as well (Migrationsverket 2014c). The guidelines state some basic principles that should be in place to create a uniform living environment for all asylum seekers. The accommodation should be self-catered and have maximum two people in each room. There should be stores, public service and communication nearby. The minimum standards are taken from the Swedish rental act (1970:994) and to name a few, it includes availability of hot and cold water, heating, shower or bathtub, electricity, a stove, a sink, a refrigerator and arrangements for laundering in or near the accommodation. There should be evacuation-security and a reasonable living environment giving shelter from cold, warmth and noise. The guidelines also state that the accommodations should be spread out across the country and hostels should be used restrictive (SIS 2011, p. 12-13).

Normally the Migration Board offers the asylum seekers accommodations in regular apartments. Due to the high number of asylum seekers in Sweden in recent years, the need for housing is exceeding the number of apartments that the Migration Board has available. The Migration Board therefore procures what is called ABT - temporary accommodations working as a complement to the apartments. The guidelines from SIS are not applicable for these temporary accommodations. However, since the renting of temporary accommodations is a question of public procurement the Migration Board has to draft contract documents for their ABT. This contract document is describing the required standards for the accommodations and actors can send in offers if they have accommodations that match these standards. The standards are not as elaborated as the ones in the SIS-agreement, but contain some minimum criteria.

There are four different categories of temporary housing. The different categories states whether the housing is self-catering, has foodservice, is a seasonal accommodation or more simple cottages without their own toilets and showers. Common to all is that there must be one shower/toilet for every 15th resident and the shower must have sufficient access to hot water. The accommodations with self-catering must be equipped with appropriate kitchenware and a place to sit and eat in connection to the kitchen. When there is foodservice, the contractor must serve 3 meals a day. There is a list on what each meal should contain (protein, carbs, fruit etc.) and not contain (pork etc.). Apart from this, there should for

example be a laundry facility within 200 meters from the accommodation and equipment available for cleaning. There must be a safe outdoor environment with a playing area for children. The bedrooms must be equipped with single beds or bunks with 10 cm mattresses and each resident must have 5 square meters living space and a closet. The residents should be able to travel by public transportation to the Migration Board and the travel-time should not be any longer than 4 hours. The contract document also has a clause on anti-discrimination and fire safety for the accommodations, as well as regulations on calling the police if the order is disturbed in any way (Migrationsverket 2013d).

The Migration Board has established principles in order to be more time-effective in the placement of asylum seekers in correct accommodations. The Migration Board is now taking a decision on placement right away when receiving the asylum application. This ensures minimal transfers between accommodations around the country. It also creates a more effective assessment of the applications further on. The asylum seekers should get a decision on where to live within 4 days. During this time, they will stay at a so-called “step 1-accommodation”. If the application should be examined by another Member State in the EU due to the Dublin-regulation, or if the asylum seeker is getting deported right away, he or she will be placed in a “step 2-accommodation” for an effective deportation. During 2013, the different categories of asylum seekers have varied and step 2 accommodations also had to be used as a step 1-accommodations due to the high number of asylum seekers (Migrationsverket 2013c, p. 68).

7. Results

In this chapter, I will present the data from the interviews. They will be presented under the main themes; accommodations, methods of working at the Migration Board, the EU-directive and challenges to come.

7.1 Accommodations

The respondents expressed that the Migration Board offered housing to all those asylum seekers that were in need of this. One respondent expressed that there were absolutely no question about it:

I: With the increase in influx the past years, how do you describe the Migration Board managing to provide accommodation to all asylum seekers?

R5: There is no discussion whether we can manage this or not, we simply must do it. There is no other option. We will provide accommodation to those who are in need of it and to those who meets the criteria to be classified as asylum seekers. It is important to keep this in mind – there is no alternative, we have to make it.

The respondents added that in recent years when the amount of asylum seekers has increased, the Migration Board have had varied ways to solve accommodations for all. Sometimes, the applicants have been forced to travel to other districts for registration when there have been insufficient amounts of rooms available in the district they first arrived to. One respondent concluded that there have been more relocations than usual when trying to assign the applicants to a long-term accommodation compared to when Sweden had a smaller influx and could assign the applicants to apartments right away. The respondents also expressed that they used temporary accommodations when there was inadequate amounts of flats available. The respondents however expressed clearly that shared flats are the goal they are striving for, and that temporary accommodations are used as the name suggests, temporary.

I: Is there something that you would like to improve regarding the accommodations?

R2: Yes, well, the best thing would be if we could have, uh, our basic standards that we have been doing... have been able to hold in the 21st century when the pressure was lower and we were able to rent out apartments to the extent we needed. Of course that would be the best, but sometimes you have to do it another way and then, well then, uh, that is what we want, but we do the best we can under the conditions that we have and see to it that no one is thrown out in the street.

I: Ok, but, even the accommodations that you may think is not quite what you had hoped for, would you still describe them as fulfilling the standards in the directive?

R2: Yes, well, we do follow the Public Procurement Act and then, we demand a certain quality, so it's not as if we rent out anything or everything, but it follows... it must reach a certain standard.

The respondents expressed that the accommodations provided by the Migration Board reaches the goals set out in the reception conditions directive, that is to say that they guarantee an adequate standard of living. Besides this, the respondents expressed different views and perceptions regarding the overall quality of the accommodations. One respondent expressed

that the guarantee of an adequate living standard is reached with flying colors since Sweden is offering shelter, food, health care, school and activities. This respondent also added that Sweden, compared to other countries at an international level, has a very high quality since the Migration Board primarily is offering shared flats as accommodations. Another respondent expressed that the goal of using apartments is difficult to reach when there is a mass influx.

R2: Sometimes the standard might not be as high as we want it to be, but it has still been totally acceptable, so to speak.

The respondents reflected that the quality of the temporary housing could be quite varied and that they did not have the same standard as the apartments. The same was said regarding the accommodations that the applicants are located in for the first couple of days when being registered at a reception unit, with the addendum from one respondent that “on the other hand, they do not live there for very long” (Respondent 1). Another respondent said that they are trying to keep the applicants located in the temporary accommodations for as short time as possible, especially when it is a matter of families with children. Another difference between the temporary and the regular accommodations that was brought forward by one respondent was that there are no personnel from the Migration Board on sight of the temporary accommodations. The Migration Board is actually buying a whole “package”, sometimes with staff included. However, he said that the Migration Board should ensure a close contact to the applicants anyways, thus ensuring that everything is functioning properly at the accommodation.

The reception conditions directive states that the member states shall ensure that the provisions also are met for vulnerable persons. The respondents expressed that the Migration Board did the best they could on the matter, for example by choosing suitable accommodations for each individual. This could mean that applicants with special needs did not need to share apartments or get placements at camping spots or at other temporary accommodations. One respondent expressed that when the accommodations offered by the Migration Board are insufficient for the applicants needs, he or she will have access to accommodation at an institution provided by the county council. However, the respondent noted that there is a question of interpretation regarding the degree and seriousness of each person’s specific situation. Another respondent stated that it requires quite a lot for the

applicant to get access to the institutional accommodations since the housing that the Migration Board offers is of such a good quality.

The stories from the respondents indicate that the governance at the EU-institutions transitions to the national level without any major distortions. The Migration Board is offering housing, in one way or another, to all asylum seekers as established in the directive. The stories are however implying that the shift of governance in some ways might alter the final outcome as the Swedish society might set higher standards than the standards decided at the top EU-level. This is an interesting aspect of the MLG in the European context since the directive from 2003 only establishes minimum standards and is encouraging the Member States to adopt even higher standards, something that Sweden evidently is doing. The Swedish standards and norms might thus be of a different character than other countries in the EU, and this is at least showing in the goals that the Swedish Migration Board is working towards with providing accommodations of higher standard to all asylum seekers.

7.2 Methods of working at the Migration Board

One respondent felt that the Migration Board coped with the high influx by working as they always had, and referred to the fact that the Migration Board has had its ups and downs in influx for as long as it has existed. Some respondents however expressed that they experienced some new methods and ways of working. One respondent said that they were focusing on “very quickly getting plenty more accommodations” (Respondent 2). They also introduced principles regarding strategic placements of accommodations to be able to minimize transportations for asylum seekers. This was especially important in cases when the asylum seekers had ill-founded applications; “they arrive in Malmö, get a placement in Kiruna and then have to travel to Malmö again” (Respondent 2). Another respondent expressed that they expanded already existing units and hired new employees. Another one emphasized the Migrations Boards increased intensity in their work:

I: Now, with an increased number of asylum seekers, have you experienced that you have worked in a different way in order to give everyone a good reception, and so to speak, in order to reach the objectives?

R2: Yes we have to... I don't want to say cut the curves, but of course we need to increase the intensity and step up our work in all areas when it gets like this, with this huge oscillations, when it is increasing so dramatically. [...] But then... there are some obvious elements that we

always must carry through, i.e. provide and ensure information, registrations, relief and health care. We never lose track of these parts. That is to say, something rather big must occur before we start compromising these parts.

A new unit and project called “the secretariat for accommodations” was also brought forward in the interviews by some of the respondents. There is not a lot of information to be found regarding the secretariat at the Migration Board’s website, but one respondent explained that the main function of the secretariat is the planning and coordination of accommodations by for example carrying out capacity planning and accommodation-logistics. These functions already existed at the Migration Board before, but now it was all gathered under one unit to better ensure the quality of the entire process.

One respondent mentioned that they worked towards the SIS-guidelines that establish minimum standards for the Migration Board’s apartments. Some respondents expressed that the Migration Board generally is fulfilling the goals in the guidelines, but that it is not always possible, for example due to the use of temporary accommodations. Another respondent expressed that the guidelines that the Migration Board is working with is only recommendations and thus no policy document. He also pointed out that it is a minimum standard. For example, the apartment must be fully used and all rooms are thus counted as bedrooms. I.e. a three-room apartment will contain six people. Another respondent described that there is a whole process in assuring the quality when procuring a new accommodation; there is technical inspections based on normalization standards and there is operational inspections in which the head of the unit and the local reception unit are part of.

Due to the implementation of the new directive, some of the member states might need to develop their work in the field of asylum. The stories from the respondent in this thesis indicates that the Migration Board are improving some areas of their work in order to better cope with the high levels of influx. In the perspective of MLG, this transition will be quite different between the arrays of Member States in the EU. All states have different societal standards and norms as a foundation and they are thus coping in different ways to the transition of governance from the top EU-level. In the area of asylum, some countries in the EU are more used to receive asylum seekers as well (as presented in the introduction) and these countries might be better prepared for higher influxes. Sweden has been one of the

countries accepting most asylum seekers in the EU, and as one respondent expressed - Sweden has thus dealt with this issues before.

7.3 The EU-directive

When discussing implementation of EU-directives, the respondents experienced that EU-directives leads to legislation and that the Migration Board makes sure to follow this. One respondent described that the Migration Board had contact with the Ministry of Justice during the implementation-process of the firs directive, but also presses that Sweden's actions is a political issue.

I: How would you describe the Migration Board's role in the implementation process?

R1: Well, you know... we are in touch with the Ministry of Justice and it is a political matter how Sweden should act. And I am involved as an expert in this, but it's in fact at the political level. It requires that the government provide us with directives based on their assessment of Sweden - if Sweden needs to adapt its regulations or if we are already fulfilling the requisites. [...]But we are after all included in the process and we have pointed out that it is this part (i.e. the needs of particularly vulnerable persons) that is one of the things that Sweden should pay attention to on account of the revised Directive.

The respondent thus felt that they have the space to point towards areas that they need to improve, but it is up to the government to assess how to move forward. The Migration Board is then given instructions regarding what adjustments that are demanded. One respondent also described that some provisions of the directive is implemented through cooperation with other authorities. For example, when working towards preventing assault, the Migration Board cooperates with the police.

The respondents expressed that they thought the reception conditions directive had low standards and that Sweden had no problem in fulfilling these. One respondent expressed that Sweden "by far is exceeding" (Respondent 2) the requirements in the directive. Another respondent believed that the minimum standards should be set higher, especially for those countries that have big problems with providing an adequate living standard for the asylum seekers.

I: How would you describe the work that was done in Sweden when implementing the 2003 reception conditions directive?

R1: Well, they did, they carried out a study commissioned by the state. Uh... and well, the standards were very low. It was not difficult to live up to those standards. In fact, this was reality in Sweden even before the directive came in to force. [...] So with that said, the demands made in the directive were terribly low. It was not difficult to live up to those requirements.

Another respondent expressed satisfaction with the work that the Migration Board did:

I: Do you experience that the Migration Board is working actively with regulations decided at the EU-level?

R4: I would like to say that Sweden is playing in the premiere league in Europe and actually, I would like to emphasize, in the entire world. Sweden is the leader in Europe and is at the absolute top. Right now we even have representatives in the U.S. to meet the top management there and show them how we work. So we're those who are at the front in Europe.

One of the respondents had some thoughts about the terminology in the directive, for example the use of “adequate” living standards that could be interpreted as fairly low standards:

I: The directive states that the accommodations shall provide an adequate living standard for the applicants. How would you relate this to the situation in Sweden?

R3: It's interesting, the word adequate is very low, for example in Greece, the accommodations are almost more like “lock-ins” and there can be 100 people on one toilet, the accommodations are crammed. (...) And it would not surprise me if there were people arguing that even that is adequate, because you still have access to a toilet and you have access to housing. So unfortunately, it's a very low level of definition.

I: Yes, and the revised directive from 2013 use the same concept – “adequate” again.

R3: Yes. And I guess they, I can imagine that they express these requirements towards the relatively new member states, but also the ones that have a large influx, like Greece and Italy.

This respondent also expressed concern regarding the directive stating that the member states should ensure the applicants physical and mental health since he believed that no state or person could ensure another persons health, but merely have arrangements in place to assist the need. One respondent described that they were very observant towards physical and

mental health issues and that they clearly explained where the applicants could get help if they needed. They were also leaving room for them to express their health issues on meetings at the Migration Board. Another respondent described that they are working against sexual abuse in their accommodations by cooperating with the police.

The stories indicate that the Migration Board is a part of the governance in the European puzzle of MLG. The overall implementation process seems to be a classic one, where the directive is established at the EU-level, then transitioning to the national level and lastly the local level where the responsible authority continues the work of putting the rules into practice. The Migration Board, represented as the third stage at the hierarchical MLG-figure, are coping and transforming its work when new rules are established at the top level. However, the respondent are expressing some concerns towards the top governance, saying that the EU should be establishing even higher standards in some areas since some provisions could be considered fairly low. Nevertheless, not all provisions established by the EU-institutions easily transitions through the governing stages. When concepts are hard to interpret, the smooth transition might be altered and rules might get distorted when reaching the lower levels in the hierarchy of the MLG-figure.

7.4 Challenges to come

One respondent expressed that changes might be necessary when identifying and fulfilling the needs of vulnerable individuals and that these are rooted in interpretation-issues. The respondent also stated that Sweden has not revised the level of allowances in a long time, and is “now celebrating a shameful 20-year anniversary” (Respondent 1), something that might be a challenge when trying to fulfill the goals of ensuring an adequate living standard for the asylum seekers.

Another issue that was identified by some respondents was the development during the 21st century where the availability of apartments at the Migration Board decreased and more and more temporary accommodations had to be used instead. What makes this issue even more pressing is all the individuals with residence permits that still are living in the accommodations provided by the Migration Board (approximately 10.000), when they should be given work and placements in the municipalities with help from the employment office.

I: In the annual report from the Migration Board from 2013, it says that many asylum seekers remains in the reception system after they get their residence permits. Do you see this having any effect for the new asylum seekers coming to Sweden?

R2: Well, they still have their right to accommodations and we see to it that they get this, but it turns into a sort of constipation since new asylum seekers arrives but they are not getting out of the reception system to the same extent. The Employment office cannot work magic either, there's a limited amount of apartments available and we are actually competing about the rental apartments. If we had a steady outflow where everyone who got residence permits would leave the reception system, we would of course not need the temporary accommodations.

Another respondent expressed himself in a similar way:

R4: Today, we have approximately 10,000 individuals with a residence permit remaining in our accommodation waiting to get placements. It is very, very worrisome. They are occupying places too, especially as we also have the desperate need to find more apartments and therefore must use temporary solutions.

With a continuing high influx, the respondents believe that it will be a challenge for the Migration Board to provide the applicants with accommodations that has the standard that they are aiming for. The respondents say that there is a big challenge in converting the temporary accommodations to apartments. Even though the Migration Board is presenting prognoses, they continue to go up and down, thus making the planning of accommodations very difficult. One of the respondents explained the challenge in having accommodations “on hold”:

I: How would you describe the Migration Board's preparation at the prospect of higher influx?

R5: Yeah that's it, we get prognoses that give us a glimpse of what could happen and then we take that into account when we plan our work and we try to plan as good as we can to be able to meet, uh, a potentially high influx in a short time. Uh, and it is here that, it is difficult for us, since these accommodations, I mean, it's tax revenue, and we have to keep that under consideration. We cannot, if we were to sign contracts with various suppliers, that would be a cost for the taxpayers, and we cannot have too many places in the balance if you understand what I mean. We have to keep it just in line with the actual influx.

One of the respondents said that there is an especially big challenge in pedagogically presenting the need for accommodations to the municipalities in order to make them seize upon the inquiries for accommodations from the Migration Board. He also stated that it is an issue for the highest political level. One respondent also stated that it is a challenge to get the municipalities to accept newly arrived individuals since there actually is a resistance in some municipalities to do so.

One respondent expressed some worry in fulfilling the needs and finding appropriate accommodation for traumatized applicants:

R3: Today, for example with the events in Syria, there are many people fleeing from a very dirty war. And then of course, you are fleeing from different things. But when there really is a war-situation, of course many will be traumatized.

This respondent also expressed the challenges in providing medical care for the traumatized applicants since different parts of the country have different amount of training and practice in providing health care to people speaking a different language. Since Sweden is such a long country, it can also be challenging in motivating applicants to travel to a different part of the country to get a placement.

R3: If you've already traveled 1500 km to get away from a conflict, and then you are put on a train to travel 1500 km further for an accommodation in Jällivare, maybe you are not so comfortable with that since you want to be sure of where you wind up.

The respondent also expressed some worries in relation to the revised directive, especially the article that states that the member states should ensure the applicants physical and mental health.

R3: Of course, it is essential in the reception conditions work in Sweden (i.e. health care), but it is a bit unfortunate when you have this expression since it is such a strong writing, it makes it "airy". It gets vague. If they made it impossible from the start to do something about this, they unfortunately made it even harder now.

This respondent also expressed that there were some worry in the staff at the Migration Board due to the writing that they should ensure the applicants physical and mental health, since they interpreted it as if this was a job for the Migration Board. Another respondent expressed similar concerns, especially focusing on the challenge of interpreting what mental health actually is and what it means.

One respondent expressed that even though the Migration Board overall have a high level of quality in their work, it was no reason to relax and settle down. He saw a challenge in working towards a Europe where the other countries can advance towards Sweden. He stated, “please note that I said advance towards us. I consider it completely impossible that they would reach our level. That is not even to be found on the map” (Respondent 4). He continued to express the challenge in the harmonization of asylum laws in a European perspective. He believed that it is important for Sweden to be a part of every imaginable context, both national and international since he believed that it’s a strategically important question if Europe ever want to have a substantial chance to actually reach what is written in the directives.

The stories from the respondents indicate that there is a worry by some staff-members towards the implementation of the new directive. This worry is based on the concepts used and established at the top level and the difficulty in interpreting the concept in the right way when transitioning the rules downwards in the hierarchical figure. It is however also transpiring that the nation state still is self-governing in some ways, even while being a part of the MLG-context. This is apparent through the many challenges that Sweden faces on its own, regardless of the rules established from the top level. Sweden has its own standards that they are reaching for and working on due to the continuing high influx, for example the transition from temporary housing to apartments. The unique Swedish legal culture and governing system is also evident in the implementation process: Swedish politicians have a great challenge in getting the municipalities to take their responsibility with asylum receptions. There are many actors at play at every level, and this shows how complex the entire implementation-chain really is.

8. Discussion

In this chapter I will discuss my three research questions based on the data presented earlier in the thesis.

8.1 Implementation in Sweden

My first research question aims to examine if the rules on material reception conditions in the directive from 2003 are implemented into Swedish law and practice.

8.1.1 Swedish law

In the first stage of assessing Swedish implementation, it is of interest to examine if there are equivalent provisions in Swedish law, i.e. actual judicial text that regulates the material reception conditions. The Swedish government established in a study (SOU 2003:89) that the Swedish constitutional texts did align with the 2003 directive. A comparison of the actual texts seems however to show a slightly different result. In the chart below, I will illustrate the regulations in the directive from 2003 that has equivalency in Swedish law.

Regulation in 2003/9/EG	Swedish Law
Access to material reception conditions	Yes, (The Reception Act)
Ensure adequate standard of living for health and subsistence	Yes, (The Reception Act + ordinance, the law on healthcare for asylum seekers)
Ensure adequate standard of living for health and subsistence for vulnerable applicants	Yes, (The Reception Act + ordinance, the law on healthcare for asylum seekers)
Applicant contribute to/cover cost	Yes, (The Reception Act)
Provide for material reception conditions through financial allowances or in kind	Yes, (The Reception Act)
Provided in kind needs to be accommodations such as flats, houses, hotels	
Protect family life	
Possible to communicate with relatives, legal advisors, UNHCR and NGOs	
Prevent assault in the accommodations	
Ensure that children lives with their family	Yes, (Ordinance to the Reception Act)
Minimum transfers between accommodations	
Legal advisors and UNHCR have access to the accommodation	

In the context of multi-level governance, an exact textual equivalency on state level is not necessarily the aim in the implementation process, nor is it very likely that the integration will proceed without some divergence. What we can see in the Swedish legislation is general provisions on the asylum seekers right to accommodation and financial allowances. There are however little or no detailed provisions in order to secure an adequate standard of living. More detailed requirements seems to be found in the next level of governance instead – the national authority. The Migration Board’s guidelines, contract documents and other types of regulations posted on their website is much further elaborated. The Swedish legal culture, as well as the Swedish interpretation of the regulations in the directive, is here showing in the implementation process. The Swedish government’s notion that the material reception conditions are fulfilled in Swedish legislation is very interesting from the theoretical standpoint in this thesis. Even though the Swedish law has not got equivalent paragraphs to all the requisites in article 13 and 14, the Swedish government interprets the law to fulfill these in other ways. If we return to figure 3 in the theoretical chapter, we can thus determine that Swedish law diverge from the ideal implementation (A) and instead end up at (B). This does not necessarily mean that the divergence from the EU-law is making the Swedish law weak. In fact, the provisions in the directive are only minimum standards and each Member State has the possibility to apply even higher standards. The Swedish government has concluded that Swedish law goes beyond the minimum standards. For example, the Reception Act does nowhere express the words “adequate standard of living”. However, the asylum seekers right to accommodation in combination with the daily allowances are interpreted as by far reaching this provision since the daily allowances are meant to cover food, clothing and footwear, leisure activities, hygiene items and other consumable items. The daily allowance shall also cover the cost of health care, dental care and medicines (ordinance 1994:361). This shows that there is some conceptual divergence regarding what the “adequate standard of living” contains, where Sweden believes it to contain more part of the individual’s life then what is established at the EU-level. The Swedish norm is thus higher than the EU-norm. Besides this deviation into a higher standard, there are also some requisites that are not present in the Swedish legal system at all, thus diverging the outcome of the implementation from the way it was intended at the EU-level. For example, nowhere in the reception act and its ordinance is it established that the accommodations should be flats or hotels or that there should be minimum transfers between accommodations. Due to the elaborated guidelines and documents at the authority-level, this might however very well be implemented in Sweden’s

practical work, something that I will further discuss below. Nevertheless, some of the provisions are actually missing in Swedish law.

8.1.2 Swedish practice

The second stage of assessing the implementation is to examine if the Migration Board implements the 2003-directive in their practical work. As discussed above, the implementation of EU-law into Swedish law was not ideal (A), but rather ended up with a slightly different outcome (B). Here I will discuss if the practical implementation at the authority level will have a more ideal outcome (A), or if there might be divergence in this process as well (C).

The reception conditions directive states that the asylum seeker shall have access to material reception conditions when applying for asylum. The accommodations should be flats, hotels or other types prepared for applicants. The Swedish Migration Board can offer this to all applicants in Sweden, as stated in the Migration Boards annual report (Migrationsverket (2013c) and by the respondents. It is clear that the Swedish Migration Board fulfills this part of the directive. Due to the high influx, the applicants will not all be given the same type of accommodations. However, the directive is nowhere stating that the accommodations must be uniform. The Migration Board is aiming at only using apartments and is therefore setting a higher standard than the directive does. In reality, the Migration Board has not reached this goal yet but it is evident in their work that they are aiming at solely offering apartments as accommodations for the applicants.

The provision of ensuring an adequate standard of living is especially interesting to discuss since the EU has no clear definition on what an adequate standard of living actually means. The directive however states that it should ensure the applicants health and subsistence, thus indicating the most crucial elements in an individual's life – food, clothing, housing and health care⁹. However, due to the room for interpretation, there is most certainly a conceptual divergence between the EU-level and the authority-level when implementing this into reality. All respondents thought that their accommodations reached the level of an adequate standard of living. The accommodations at the Migration Board provide the applicants with shelter, clothing and food (either self-catered or through foodservice) and all asylum seekers have the

⁹ Definition from for example the UN Declaration of Human Rights

right to health care that can't defer (SIS 2011, Migrationsverket 2013d). The Migration Board does in fact have quite extensive guidelines regarding the quality of their accommodations, both the SIS-guidelines for their apartments and the contract document for their temporary accommodations (described in chapter 6). The respondents agreed that the accommodations that had lower quality in Sweden were the temporary accommodations. It is therefore of interest to discuss these to see if the lowest quality in Sweden reaches the goals set out in the directive. As described earlier, even the temporary solutions have requirements that must be met. These are in fact quite detailed, with provisions for square-feet for each room/applicant, home equipment, types of food, travel time to the Migration Board, thickness of mattresses etc (Migrationsverket 2013d). From a Swedish societal standard, the temporary accommodations might be lower than the average Swede's, but from the European standard established in the directive, the Migration Board is fulfilling its obligation in providing for an adequate standard of living for health and subsistence. Since the standard in fact is a *minimum* standard, the Migration Board could once again be said to exceed the requisites in the directive. When comparing to other Member States, this become even clearer. As one respondent discussed during our interview, the living standards in Greece may in fact be seen as an adequate living standard too even though applicants live extremely crowded and have limited access to sufficient bathroom facilities - this because they still have access to shelter and food.

Ensuring the same provisions as stated above for vulnerable persons is more problematic because once again, there is room for interpretation. To be able to ensure this provision in an ideal way, the responsible authority must not only interpret the "adequate living-standard" in the way the EU intended, but also correctly identify who is vulnerable and needs further help. The Migration Board are placing vulnerable persons in accommodations suited for their situation, but when it comes to identifying and fulfilling all needs of vulnerable persons, they are however facing a challenge due to the subject of interpretation. This may in extension also be a challenge for the Swedish health care; both due to the difficulties in identifying what the applicant need and due to the inexperience of providing health care to traumatized people speaking a different language. One of the respondent stated that the Migration Board had pointed out to the Swedish Government that the identification and fulfillment of the needs of vulnerable persons is one of the things Sweden needs to work on. This points to the notion that the provision of ensuring an adequate standard of living for vulnerable persons is not fully implemented in Swedish practice yet.

As both EU-law and Swedish law suggests, asylum seekers should pay for their material reception conditions if possible. If they are without money, the Migration Board covers the expense (Migrationsverket 2014b). This provision is fulfilled and implemented in both law and practice. Another provision that is implemented in the practical work is the protection of family life and that children should stay with their family. The Migration Board shall keep families together and respect the applicants' right to private- and family life (SIS 2013). The respondents also expressed that they try to place families in the apartments and not in the temporary accommodations. If the apartments are insufficient, they will work towards keeping them at the temporary solution as short time as possible. One respondent also stressed the importance for families to have a private sphere.

The guidelines for the accommodations at the Migration Board do not specifically state that they should be working towards preventing assault in their accommodations. However, the contract document for the temporary housing states that if any disturbances occur, the police should be called on (Migrationsverket 2013d). One of the respondents stressed the importance of working towards preventing different types of assault in their accommodations, and that this is something that is done in collaboration with the police. Another respondent described that the Migration Board has special working groups that focuses on these issues (sexual abuse and assault). Regarding the provisions of minimum transfers of applicants, the Migration Board did rather recently introduced principles for making a quicker and better decision on placement for the applicants. This ensures minimal transfers between accommodations around the country (Migrationsverket 2013c). However, during the periods of high influx, the respondents expressed some challenges that defy these guidelines. For example, reception units can get crowded and applicants have to be transferred to other parts of the country in order to get registered. Another respondent addressed the fact that there have been more relocations than usual when trying to assign the applicants to an accommodation before being placed in a more long-term accommodation. Thus, the Migration Board are aware of the provision and are working towards minimizing the transfers, but the fulfillment of these in the practical work are challenged during high levels of influx.

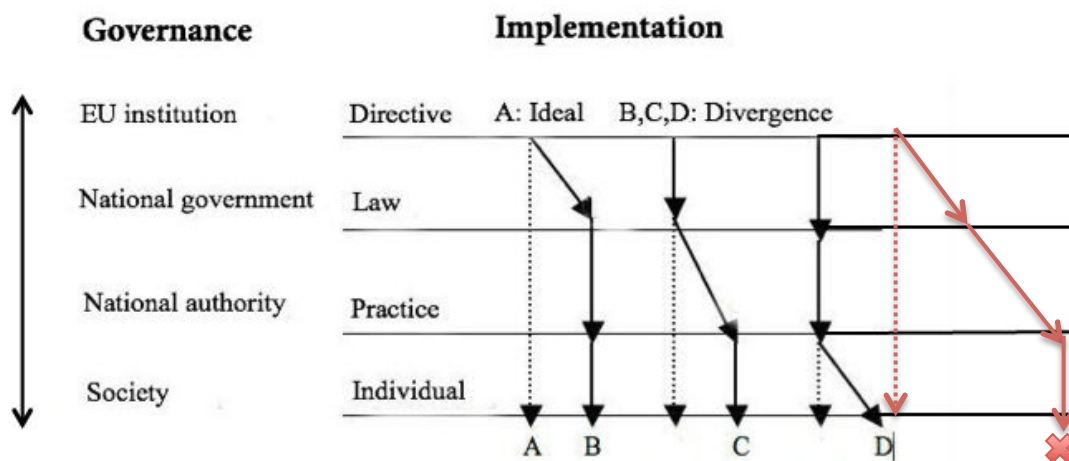
The guidelines and documents that I've presented from the Migration Board regarding their accommodations (chapter 6) does not specifically state any regulations regarding the applicants right to communication to legal advisors and representatives from UNHCR, or

these agencies right to access the accommodations. However, the Migration Board does appoint legal assistance to each applicant when applying for asylum. One respondent also concluded that their accommodations are not closed in any ways for legal assistants or NGOs, but that they want to protect the applicants' integrity as far as possible.

In the table below, I have illustrated the provisions that is implemented in the practical work:

Regulation in 2003/9/EG	Swedish Law	Swedish Practice
Access to material reception conditions	Yes, (The Reception Act)	Yes
Ensure adequate standard of living for health and subsistence	Yes, (The Reception Act + ordinance, the law on healthcare for asylum seekers)	Yes
Ensure adequate standard of living for health and subsistence for vulnerable applicants	Yes, (The Reception Act + ordinance, the law on healthcare for asylum seekers)	Yes -some challenges due to interpretation issues
Applicant contribute to/cover cost	Yes, (The Reception Act)	Yes
Provide for material reception conditions through financial allowances or in kind	Yes, (The Reception Act)	Yes
Provided in kind needs to be accommodations such as flats, houses, hotels		Yes
Protect family life		Yes
Possible to communicate with relatives, legal advisors, UNHCR and NGOs		Yes
Prevent assault in the accommodations		Yes
Ensure that children lives with their family	Yes, (Ordinance to the Reception Act)	Yes
Minimum transfers between accommodations		Yes - challenged during high influx
Legal advisors and UNHCR have access to the accommodation		Yes

Since the multi-level governance context suggests that the law is transferred through the vertical transition of governance, it is not entirely suitable to only look at the outcome of the implementation process at national authority level as either (A) or (C). The national authority is very much affected by state law, and since state law already is diverging from (A) into (B), it seems to be a challenge for the next level of governance to be a part of an ideal implementation. Rather, the point of departure could be (B), ending up at the same line (B) or diverging even more from (B) to (C). Some parts of the implementation of the reception conditions directive in Sweden may instead in fact be illustrated like the red line in the figure below, with divergence from the EU institution to the national government, and then continuing divergence from the national government to the national authority:



The divergence that takes place in the implementation-process in Sweden is not necessarily a bad thing. As discussed above, Sweden is in fact exceeding the provisions in some areas of the material reception conditions due to the interpretations of the provisions as in need of a “higher standard”. However, the Swedish work is not unimpeachable, and as we can see, they do have some divergence from the intended provisions due to difficulty in interpretations and high influx of asylum seekers. Due to the number of regulations on material reception conditions, it is hard to say that all practical work of the Migration Board is either ideally implemented, or diverging. Some provisions are first interpreted by the Swedish Government, and then passed on to the Migration Board who interprets it in their own way. However, not all provisions in the directive are established in Swedish law. Thus, the Migration Board does in fact directly interpret some of the provisions in the directive, going from EU-level to national authority level directly and “skipping” regulations from the national government-

level. The variety of provisions therefore all have different outcome and it is hard to generalize the result. The implementation of some provisions may in fact be viewed upon as ideal (A), for example when applicants should contribute to some costs, as stated in Swedish law and is reality in practice. Some might be viewed upon as divergent (C), for example the implementation of ensuring vulnerable peoples needs, something that is interpreted in a more general way in Swedish law and then is subject to a number of interpretation-issues at the authority-level. Some might end up outside of the figure all together (the red line) due to even higher standards set up by the Swedish government and the Migration Board - as the right to an adequate standard of living. But also when there is no legal regulation at all regarding minimum transfers of applicants in Swedish law, and the national authority have issues in fulfilling it in practice as well. We can thus conclude that some provisions are implemented just as intended in the directive, some are implemented with flying colors, and some are in need of further work. I will later on discuss some of these challenges more closely.

8.2 The impact of multi level governance

My second research question aims to examine why parts of the implementation is diverging from the intended provisions and if the MLG has an impact on this divergence. We can see that the implementation of the directive has gone from the top level to an ideal implementation in the lower levels in some areas, but a number of transitions has diverged from the intended provisions as presented in chapter 8.1. It is thus of interest to examine whether there is something specific about these divergences in a context of MLG that is distinct from other forms of divergences in implementation.

As described in the theoretical chapter in this thesis, type I of multi level governance distributes the authority vertically between a limited number of jurisdictional levels (Hooghe and Marks 2004). When applying this to the EU-context, the MLG-system is naturally differing from for example a solely national context since the governing system of the EU has a supra-national entity at the top of the hierarchical order. The presence of a EU-institution as part of the cooperation of establishing, as well as implementing, laws is one aspect differing from many other forms of implementations. This “extra” top level can affect divergences in a way distinct from laws implemented outside of an MLG-context. The presence of a governing level higher than the national government changes the interactions between the nation state and the following governing levels by adding another entity to share the power with. Since

the EU is constituted by a number of sovereign states, the hierarchical order of the MLG does not mean that the supra-state level simply assigns laws on to the lower levels. The theoretical framework of MLG is rather implying that there is a tiered relationship between the different institutions (Bulkeley et al 2004). The number of levels is consequently distributing decisions amongst them. The entire implementation process is thus not solely a top-down approach, nor a bottom-up approach, but rather something in between due to the transitions of governance between all levels. This “flexible” approach to implementation is more complex than a classic top-down implementation, leaving more room for interpretations and administration along the way. Not to mention that the establishment of a common European asylum system from the start had to be established by a collective choice and that the rules in the CEAS only are minimum rules. This asserts Marks understanding of the domestic and international politics in the EU - to steer away from international relations and instead approach MLG as one unity of EU-governance (Marks 1992). The sovereign nation state, in this case Sweden, is very much a central actor in the implementation process, but as some of the results indicate in this thesis - it is definitely not the sole actor.

When bringing the theoretical framework of the MLG into a discussion of implementation in the EU, there are many important factors that need to be transitioned smoothly in order for a directive to be fully implemented at the lower levels. It requires coordination across all levels of governance. The already existing systems and norms in the different institutions, that may differ from context to context and country to country, will affect the outcome. Norms, rules, laws, concepts and traditions all affect the implementation, and the many actors and levels of governance makes it easy for differing interpretations. The legal culture in Sweden is no social vacuum that automatically adjusts to the EU-directive, but the rules decided at the supra-state level has to compete and cooperate with the already existing rules and norms in the Swedish society. Divergences have to be expected in this transition (Hydén). The multiplicity of legal cultures, norms and domestic laws that exists in the EU governance poses different obstacles compared to when laws are being established and implemented within a nation state where laws and norms are more familiar. The understanding of one rule at the highest level might not be understood in the same way at the local authority level due to differences in legal cultures. Hydén explains this divergence through each countries specific set of norms that might turn the legal rule into the local norm in the implementation process. The already existing norms can also filter the law, thus turning it to something different than

the intended provision (Hydén 2011). These, together with misunderstandings, are all factors that can affect full implementation of the directive.

However, since all legal orders in the EU need to adapt to the CEAS, cooperation and commitment are the corner stones in order for it to work and be implemented. This means that all governing levels in the MLG need to have some common concepts in order to harmonize the end result. This however indicates that there is a strong possibility of conceptual divergence when each governing level interprets the concepts (Prechal & van Roermund 2008). Since Marks (1992) describes the EU as one unity of governance, different interpretations of the common concepts can not only be seen as differences between legal orders. Since Type I MLG is founded upon federalism and focusing on the division and sharing of power between the governing levels (Hooghe and Marks 2004, Bulkeley et al 2004), the entire EU-unity needs to share and use the same set of common concepts. The domestic laws can be a concern in this setting since all EU-rules are regulated against the national governments own systems that they feel are “their own”. The multi-lingual aspect of the MLG-cooperation in the European context is also a distinct aspect in the implementation process (Prechal & van Roermund 2008), affecting the divergence when the lower, national levels apply the law from the supra-national level. As described in chapter 7, the insecurities about what some common concepts from the top levels really means are one evident worry in the implementation process in Sweden.

The theory of multi level governance demonstrates that the outcome from a policy is highly dependent on the processes within and between the different levels of governance (Bulkeley et al 2004). The vertical transition of governance in the EU faces many challenges and different norms, rules, laws, concepts and traditions all affect the implementation, and the multiplicity of actors and levels of governance that is distinct for the MLG makes it easy for differing interpretations. It is not just a question of international cooperation gone wrong, but Marks development of the theory of MLG changes the entire view of the EU into a unity based on EU-governance (Marks 1992, Bache & Flinders 2004). The theory of MLG can help us explain what is specific with the divergence in the implementation-process where you share power rather than just cooperate. We have to look at the socio-legal reality and not only turn to the conventional study of law and it is evident that the legal culture in Sweden is no social vacuum, but that the rules decided at the top level is competing and cooperating with the already existing rules and norms that is more familiar to the Swedish society. These

domestic rules and norms can itself constitute an explanation to why Sweden in many areas goes beyond the rules established in the directive.

8.3 Challenges

My third research question aims to examine what challenges Sweden might face when implementing the new and revised directive from 2013. Sweden will have to face a number of challenges in their work regarding material reception conditions in the following years - some connected to the reception conditions directive, some more closely connected to the Swedish practice in general.

The revised directive still states that the material reception conditions needs to provide an adequate standard of living for every asylum seeker – thus also the ones with special needs. As discussed in the previous section, Sweden does have some challenges in identifying and fulfilling the needs for vulnerable persons. This was also brought forward by one of the respondents, who said that the Migration Board already pointed this out to the Swedish government as one of the areas they needed to improve. The revised directive put even more emphasis on this provision, since it establishes that the material reception conditions needs to ensure the asylum seekers *physical and mental* health. Mental illness is a notion that very much can be subject to different interpretations. This change in the directive, from stating “health” to “physical and mental health” is probably a way for the EU to use a more defined concept in order to entail convergence and harmonization. The question is if this use of a defined common concept really is creating a clear and shared framework for the Member States of the EU to be able to work with and have the same understanding of? It rather seems like the writing itself creates misunderstanding and confusion, thus making the EU-law delusive. The Member States’ requirement to protect the applicant’s physical and mental health might not at all be understood in the same way in a closer analysis. As Prechal and van Roermund (2008) argues, the “common concepts” that might have the goal to make EU law clear and harmonized might instead make it confusing and pose a veiled divergence on the EU. This seems to be the case in Sweden regarding the fulfillment and protection of the applicants’ mental health. What is interesting is that one of the respondent actually thought that this clarification made the whole provision vague. He believed that the actual writing of “ensuring an individuals health” already was an impossible assignment since a Member State only can go so far as to guarantee *access* to health care. He thus believed that this new writing

made it even harder for the Member States to work with. Another worry and confusion that was brought forward in the interview regarding this revised provision was that some employees interpreted it as if this was a job for the Migration Board, even though it in reality is the county council that is responsible for the health care in Sweden. Another respondents expressed similar concerns regarding the challenge of interpreting what mental health actually is and what it means. The implementation of ensuring the applicants mental health thus seems to be a challenge in the Swedish work, not only due to the difficulties in identifying and fulfilling another individuals needs, but mostly due to the vagueness of the concept itself. Due to the high influx of asylum seekers, especially from Syria, the challenge might be even bigger in the following years. One respondent addressed the issue that many applicants coming from Syria today are traumatized, since it is a “very dirty war”. He expressed the challenges in providing medical care for these traumatized individuals since different parts of the country have different amount of training and practice in providing health care to people speaking a different language. Thus, it is not only a challenge for the Migration Board, but other authorities in the Swedish work with the asylum reception as well.

There is one element of the provision to ensure an “adequate standard of living” that might be a challenge for Sweden in the implementation of the new directive. This challenge is connected to the levels of allowances or vouchers for the asylum seekers. As discussed earlier in the thesis, the daily allowances are interpreted as fulfilling the adequate standard of living for the applicants since they are meant to cover food, clothing and footwear, leisure activities, hygiene items etc. However, one of the respondents expressed that these levels have not been revised in 20 years, and is today “celebrating a shameful 20-year anniversary”. Established in 1994, those levels are 71 SEK for a single applicant with self-catering, or 21 SEK for a single applicant with food service (1994:361). Statistics Sweden has however shown that the Swedish price levels has increased the last 20 years (Statistics Sweden 2014). This might constitute a challenge for the Swedish implementation of the new directive, when continuing to ensure an adequate standard of living for all asylum seekers.

The biggest challenge in the material reception conditions for the Migration Board the following years is to reach their goal in solely using apartments as accommodations for the asylum seekers. Almost all respondents expressed their concerns regarding the decreased availability of apartments and the fact that they have to use temporary solutions instead. The fact that the Migration Board can't reach this goal is partly due to the level of high influx; the

applicants are not getting out of the reception system to the same extent as they are getting in. Today, approximately 10 000 individuals with residence permits still lives in apartments provided by the Migration Board (Migrationsverket 2013c). These individuals should be given work and placements in the municipalities with help from the employment office, but there is a lack of apartments available in the Swedish municipalities. If these 10 000 individuals would get long-term placement and work in the municipalities, the Migration Board would not need the temporary solutions at all. However, according to the respondents, this is not an easy task. It is a challenge in itself to make the municipalities seize upon inquiries for accommodations from the Migration Board, both due to the lack of repayment from the government and due to resistance of receiving asylum seekers in general. With a continuing high influx (as is estimated), it will thus be a challenge for the Migration Board to provide the applicants with accommodations that has the standard that they are aiming for. This standard is exceeding the standards set out in the new directive, but in the Swedish context, where these high standards already is integrated in social life (as Cotterell mentions) and integrated in the Swedish societal network, it is indeed a challenge to face in the next years.

From a European perspective, Sweden also faces a challenge in working towards a more unified and harmonized EU. As Sweden is a country with relatively high standard and high level of implementation of the reception conditions directive, Sweden should work towards a Europe “where the other countries can advance towards Sweden” (respondent 3). Sweden should be a part of every context, national and international, since it is a strategically important question if the EU wants to have a substantial chance to actually reach and harmonize the provisions in the directives throughout the Member States. The reception conditions directive, due to its regulations regarding people seeking international protection, makes it a directive in need of extensive participation and cooperation at both an international, national and local level in order to be fully implemented. And since the directive in many aspects only regulates minimum standards, it is crucial that the Member States implement all the objectives. For the directive to be implemented in a secure manner, it requires coordination across the multiple levels of governance.

9. Conclusion

This thesis has examined the implementation of material reception conditions from the 2003/9/EC directive by analyzing the coherence of Swedish law as well as the Swedish Migration Board's practical implementation. I will here sum up these findings and conclude what this can tell us regarding challenges for the future implementation of the new revised directive.

How are the rules on material reception conditions in 2003/9/EG implemented in Swedish law and practice?

The Swedish Government has established that the rules in the reception conditions directive are fully implemented in Swedish law and practice. A comparison of the text in Swedish law and the text in the directive has a slightly different outcome. Swedish law has equivalencies to 6 out of 12 provisions regarding material reception conditions. The implementation has thus not been ideal (A) but has slightly diverged from the intended implementation from EU-level to national level (B). We can conclude that some provisions are missing in Swedish law, but we can also establish that some of the provisions that are implemented in the Swedish legal system have higher standards than the ones established in the directive. For example, the right to an adequate standard of living contains the right to accommodation and daily allowances that covers food, clothing, footwear, leisure activities, hygiene items, health care, dental care and medicines in Swedish law – something that absolutely can be argued to go beyond the minimum standards established in the directive.

The rules on material reception conditions are all present in some way in the practical work of the Migration Board. Some of the implemented provisions go beyond the minimum standards established in the directive, and some are subject to divergence and challenges. The provision that applicants should pay for their cost if possible are implemented ideally (A). Other provisions, like the fulfillment of vulnerable persons needs have diverged when it reached the authority level (C) due to interpretation-issues. Some have ended up “outside” of the implementation-figure all together (as I presented with the red line) due to even higher standards set up by the Swedish government and the Migration Board - as the right to an adequate standard of living.

There is a variation in the implementation-process, where some provisions have diverged from the intended idea. This is not surprising in the context of multi level governance where the division of power stretches from the top supranational-level to the local level - it is destined to occur divergences somewhere along the way. We can see that the nation state no longer is the sole actor in this tiered relationship of power. In the Swedish case we can see provision being implemented without the “interference” of the national government and thus rather directly being subject to the power of the local authority. The nation state is very much present in the division of power in the European implementation process, but it is not the sole agent to count upon. When discussing this in the perspective of sociology of law, we have found a number of divergences due to different interpretations and differences in norms and legal cultures. In the Swedish case, we can see that the norms in Swedish society overrides the minimum norms in the EU-directive in many ways, thus making some of the provisions “higher” in standard when compared to the ones at EU-level. However, Sweden has not had an unimpeachable implementation-process, there have been issues in the power-relations due to interpretations issues. In the Swedish context, these issues are closely related to how the EU uses the “common concepts” of mental health and adequate living standards without defining them and thus leaving all interpretation to the next level of governance.

Why is the implementation of the directive diverging from the intended provisions? Does the multi-level governance have an impact on the divergence?

The MLG-system is differing from the governing system within a nation state due to its supra-national entity at the top of the hierarchical order. The presence of a governing level higher than the national government changes the interactions between the nation state and the following governing levels, making the implementation more complex than a classic top-down approach. The MLG is leaving more room for interpretations and administration along the transition of governance.

One of the most important factors that have an especial impact on the implementation in the MLG-context is the already existing systems and norms in the different authorities. Norms, rules, laws, concepts and traditions all affect the implementation and the many actors and levels of governance will have differing interpretations. The legal culture in Sweden has to compete and cooperate with the rules from the EU-level. Divergences have to be expected in this transition.

Since all legal orders in the EU need to adapt to the CEAS, cooperation and commitment must be in place. The common concepts are one way to harmonize the end result. There is however also a strong possibility of conceptual divergence when each governing level interprets the concepts. The domestic laws are a concern in this setting since all EU-rules are regulated against the national governments own systems that they feel are “their own”. There are insecurities about what some common concepts from the top levels really means in Sweden and this is distinct for the implementation in an MLG-context.

What can this tell us about the challenges to come when ensuring full implementation of the new directive until 15th of July 2015?

We can conclude that the challenges that Sweden has to face in the next years are twofold – they will face challenges when interpreting the common concepts in the EU, and they will face challenges in keeping the Swedish “high standard” when receiving a vast amount of asylum seekers.

There is most certainly a challenge regarding the implementation of the new directive without diverging too far from the intended provisions. The common concepts easily diverge from the intended norm in the EU when applied in the Swedish context. Some concepts in the new directive that poses these issues are the continuing usage of the concept “adequate standard of living”, but most importantly the new concept “mental health”. The respondents have especially expressed worries toward the interpretation of these two concepts.

The higher standards that Sweden is aiming for (i.e. higher then some of the minimum standards in the directive) are also challenged in times of high influx. The goal to solely use apartments as accommodations is most certainly one of the biggest challenges due to the many individuals with residence permits that are still stuck in the reception system. These types of challenges are however not only delimited to the Migration Board. This shows the even more complex power structure, were more and more levels of powers come to light. The Swedish government and the Migration Board are not alone in the process to implement the directive, even if I have focused on these to authorities in my thesis. Municipalities, the social service, the county council and of course the general society, all intertwine in this web of powers. EU truly is a “network of network of networks” as Cotterell argues, and if Sweden wants to overcome these challenges in the coming years, there is a need of cooperation and power sharing between all these levels.

Suggestion for future research

The knowledge that implementation-research produces, where you study domestic laws and practice, can be a part of a continued development of the work in national legislations and practices in the future. It is especially important right now when the EU has agreed upon new revised directives and the Member States need to implement these in the next years. Similar research on implementation of the other CEAS-directives in Sweden, as well as in the other Member States, would thus be of interest to the continuing work on more harmonized asylum laws in the EU.

For the specific research on material reception conditions, I wished that I had more resources to continue the study on the societal level. This study has first and foremost focused on the three top levels of the MLG-figure; the EU-level, the national state level and the local authority level. This can produce interesting knowledge regarding the implementation in law as well as the practical work of the responsible authority, but it would have been of great interest to also study the impact it has on the societal level. How does the asylum seekers experience the reception conditions and how well does the rules intertwine with norms in society? Reception conditions has on multiple occasion been criticized in media, and it would have been of great interest to continue the research with the focus on the societal level to see the divergence that the law and practice might lead to in a society that demands higher norms and standards.

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Appendix 1 – interview guide

- Make sure that it is okay that I am recording the conversation.
- Explain the respondent's anonymity.
- Repeat and explain my aim and research questions.

First questions to the interviewee:

- For how long have you been working at the Migration Board?
- What task/assignments do you have?
- Education?

THEME 1: Accommodation

Examples on issues to discuss

- The Migration Board's annual reports from 2012 and 2013 write about a large increase of asylum seekers - the possibility of still providing accommodation for all.
- Quality of the accommodations. Adequate standard of living, good standard of living? Something that could be improved?
- Weaknesses and issues with the accommodations.
- Differences between ABO and TBO.
- Accommodations for individuals with special needs.

THEME 2: Work of the Migration Board

Examples on issues to discuss

- New ways of working when high influx. Any noticeable improvements?
- Fulfillment of the guidelines, for example SIS and the contract documents for TBO.
- Annual report from 2013 – many individuals with residence permits stays in the ABOs. Impact on new asylum seekers?
- Guidelines or directives when high influx?

THEME 3: EU Directive

Examples on issues to discuss

- The experience on how the Migration Board is working in fulfilling the provisions in EU-directives.
- Explain some of the changes in the new directive, for example health to physical and mental health. Can they see any challenges regarding this?
- Any other challenges they can see?

- Ask if there is something that they would like to add.
- Ask if they want me to send the completed thesis to them.
- Thank the interviewees for their time.

Appendix 2 – thematic framework

Accommodation	Accommodation for all	Solution for accommodations	Quality of accommodations	Included in the accommodation	Differences in accommodations	Specific needs
R1	"Always, we have never ever said no to someone who is seeking asylum"	Can be tight at times, offer people to go to other places and get registered. After accommodation at arrival - regular accommodations. Apartments and temporary housing.	"Hostel-standards"	Full board	In general, it may differ in quality temporary / apartments. The temporary housing is varied in quality. "Yes, but what I want to say is that those standards (SIS) does not apply on the accommodations at arrival, but on the other hand, they do not live there for very long"	Trying to fulfill special needs as well as they can, but requires quite a lot then the accommodations is of such a good standard. Otherwise have agreements with a number of institutions if needed.
R2	"Everyone has got a roof over their head"	Everyone has got a roof over their head, varying how so solve this. Lack of apartments, resort to other solutions - hostels and hotels and so on. Wish to rent out apartments,	" Sometimes the standard might not be as high as we want it to be, but it has still been totally acceptable, so to speak." Adequate standard of living. Want the standard to be ordinary rental apartments.	Rental Apartments Material: shelter and housing, warmth, bed to sleep in and you either gets food served or the ability to cook.	Not the same standard in the hostel / hotels It is different in standard; try to keep them as short a time as possible in temporary housing. Renting a package, not the MB-staff since they	Trying to fulfill it as best as they can, for example, by not sharing apartments, or stay at a hostel. Subject to degree, very traumatized have access to institutional care if needed via the county

		<p>but when its lacking, "but we do the best we can under the conditions that we have and see to it that no one is thrown out in the street."</p> <p>If MB shows that they need money for living, there is no problem with the Justice Department.</p>			<p>are bying staff. "But they are supposed to still be in close contact with us anyway"</p>	<p>council and social services.</p> <p>Experiencin g that specific needs are fulfilled.</p>
R3	"Everyone has got a roof over their head"	<p>Some more relocations than usual before getting a place in a long-term accommodat ion.</p> <p>When less influx - quickly get a regular accommodat ion in a shared apartment, now there will be more stops with more temporary solutions. May have become more steps for the individual today.</p>	Absolutely adequate standard of living			<p>Trying to find a suitable accommoda tion, if traumatized maybe you should not share an apartment, you might need a single room, but it's not always easy to solve.</p> <p>"I think most counties do believe that anyone who is feeling very bad mentally will of course have access to competent psychiatric</p>

						care"
R4	Absolutely	<p>Have to use hostels, hotels, schools, etc because the apartments are lacking in Sweden.</p> <p>Have quite good solutions, where they can have their "private sphere".</p>	<p>International perspective - high quality because we use apartments</p> <p>Provide shelter, food, medical care, school for kids, activities for adults</p> <p>Adequate standard of living is fulfilled</p>		<p>Varying status of the temporary housing - if families with children end up thereit should be for a short time</p>	<p>unaccompanied covered by "LVU" and social services.</p> <p>Always limited with mental illness etc, but are continuously working on this, eg accessible lodging, urgent medical care.</p>
R5	<p>"There is no discussion whether we can manage this or not, we simply must do it. There is no other option. We will provide accommodation to those who are in need of it and to those who meets the criteria to be classified as asylum seekers. It is important to keep this in mind – there is no alternative, we have to make it."</p>	<p>Common accommodations or temporary solutions.</p> <p>"Normalization Principle" - to use apartment. When they are lacking - temporary housing. The goal is still to use flats</p> <p>"The harder requirements you have, the more difficult it will be to get the right kind of facilities,"</p> <p>"You can set very high standards but then you get offered less". - A</p>	<p>The contract documents set the requirements for quality. Quality assurance in the public procurement .</p> <p>Should have a decent and adequate standard of living</p>		<p>Accommodation type 4, campsites, some selfcatered – others not.</p> <p>Shower and toilet are in another building, a classic camping in the summer.</p>	<p>The "own" accommodations have no special personnel to treat mental illness, has specially procured lodging for this if necessary</p>

		question of values				
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Work	New ways of working	Guidelines for quality control/lowest standard
R1	"The Migration Board have had ups and downs as long as the Migration Board and the Board of Immigration has existed. I cannot say that we have done anything different here. This is not the first time"	There are guidelines for minimum standards. Attempting to follow them, but not always possible. Mentions for ex. maximum 2 persons per room, a kitchen...
R2	<p>Partly new - more focus on very quickly get more housing. The secretariat for accommodations keeping track of all places, agreements with landlords, etc.</p> <p>Introduced LEAN a few years ago for efficiency. Of great importance when you have great demand so everything runs smoothly.</p> <p>Introduced governing principles last year, which means that they must think strategically in the investment of residents, to reduce relocations and be close to the asylum service centers. Especially important when unfounded claims, for ex. "they come in via Malmo and ends up in Kiruna and then they have to go down to Malmö again."</p> <p>Hired more staff to shorten time.</p>	<p>Follow the Public Procurement Act what sets the quality standards - it must reach a certain standard.</p> <p>Generally lives up up to the SIS guidelines, "we've inspections at a regular basis to ensure that everything looks good and we have staff who are out in the accommodations daily so to speak, to keep an eye on everything"</p>
R3	<p>"the board anted wuite well this time." Expanding existing units, recruiting new employees, ensuring a mixture of employees so the new comes in with the more experienced.</p> <p>Put together the secretariat of management who made sure to keep track of the influx, where the applicants are going, that there is adequate transportation from there to other parts of the country where there are accommodations so that the basic logistics are functioning.</p> <p>"Management office reported directly to the Director General and it felt like it was a serious commitment."</p>	
R5	Increased the intensity, but some core ingredients that they always have to do, ie provide and ensure information, registrations, assistance, medical needs. "	Policies - proposals for standardization. Is a minimal level, eg all rooms are counted as bedrooms. A three-room apartment can accommodate 6 persons. Is no policy documents but rather recommendations.
R5	Boendesekretariat - new function, co-financed by the European Refugee Fund. Two key functions; planning and coordination related to the ABOs.	Quality ensurance – inspection of every accommodation

	<p>Capacity planning, logistics, serve as an operational support. National overview regarding acquisition and liquidation. All this is now under "one roof".</p> <p>Boendesekretariat - in order to assure the quality of the process.</p> <p>Forecasts around the world - how many will come here. Planning based on them, but it is difficult as it may vary – it goes up and down.</p>	
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EU-Directive	Implementation	View upon the EU-directive	Fulfilling the eu-directive
R1	<p>A government investigation</p> <p>A small adjustment with regard to identifying children without parents.</p> <p>A change in the right to health care - from being a regulated in an ordinance to being regulated in law. But the same thing in practice.</p> <p>M.B. has contact with the Justice Department and it is a political matter how Sweden should do. "It's in fact at the political level. It requires that the government provide us with directives based on their assessment of Sweden - if Sweden needs to adept its regulations or if we are already fulfilling the requisites."</p> <p>Points to areas to the Justice Department and then it's up to the government to determine how to proceed. For example, an inter-departmental working group, or a government investigation. Then they make adjustments and give instructions to the M.B.</p>	<p>"The standards were very low. It was not difficult to live up to those standards. In fact, this was reality in Sweden even before the directive came in to force."</p> <p>"So with that said, the demands made in the directive were terribly low. It was not difficult to live up to those requirements."</p>	<p>"The standards were very low. It was not difficult to live up to those standards. In fact, this was reality in Sweden even before the directive came in to force."</p>

	<p>“But we are after all included in the process and we have pointed out that it is this part (i.e. the needs of particularly vulnerable persons) that is one of the things that Sweden should pay attention to on account of the revised Directive”.</p> <p>It requires a parliamentary decision to revise the ddaily allowances. One question that the M.B. has lift to the j.departement.</p>		
R2	<p>The directives will lead to legislation or regulation, then the M.B. follows them and try to solve it</p>	<p>“But we are still by far exceeding the provisions in the directive”</p> <p>A notion that the new Directive will not lead to any major changes for Sweden.</p> <p>"Yes but the challenges, I do not believe that it will depend on the new directive"</p>	<p>Varies between countries, in Sweden, asylum seekers has access to health care that can not be deferred .</p> <p>Hope that staff has an eye on the health needs when they are out in accommodations and talking to them, checking if everything works practically. Then when they come to talk to the M.B, they have more space to talk about how they are feeling. Then M.B can refer them to health care and see if they can do anything in the accommodations to help.</p>
R3		<p>“It’s interesting, the word adequate is very low, for example in Greece, the accommodations are almost more like “lock-ins” and there can be 100 people on one toilet, the accommodations are crammed. And it would not surprise me if there were people arguing that even that is adequate, because you still have access to a toilet and you have access to housing. So</p>	<p>Be protected against sexual abuse, assault etc. “Of course”, do this in collaboration with the police.</p> <p>Can call it integration-accommodations, not all European countries has this but many place all applicants in the same spot and this can cause problems.</p>

		<p>unfortunately, it's a very low level of definition."</p> <p>Would have been reasonable to give a little higher standard of living, to the countries that did not really fulfill it.</p> <p>"Then, well, I think that the Reception Directive did not come with so insanely much new from a Swedish perspective."</p> <p>"The first was at a very low level, to guarantee anyone's mental health is of course hard in itself, I can not really see that any person or institution can do that for someone else. What you can guarantee is access to health care "</p> <p>"No, I do not see it (challenges), I've read it a few times during the preparation process and stuff like that, so I do not see it and I think we've said this - it will not be that much that will affect our situation"</p>	
R4		<p>:"I would like to say that Sweden is playing in the premiere league in Europe and actually, I would like to emphasize, in the entire world. Sweden is the leader in Europe and is at the absolute top. Right now we even have representatives in the U.S. to meet the top management there and show them how we work. So we're those who are at the front in Europe and perhaps in</p>	<p>Sweden is already there, with the wording on mental and physical health in the new directive.</p> <p>Many were impressed on how we solve it in Sweden - eg integrate asylum seekers into our society - "is that possible? etc."</p>

		percentage the country that receive most applicants.”	
R5			<p>"If the media pay attention to bad quality at the accommodation, then the immigration office has to look at it and say okay, does this really fulfill what we say we should fulfill. So it's a quality assurance too."</p> <p>Accommodations are open to "visit", they are not closed. But may of course raise issues and make the asylum seekers wonder if people will come and go to look.</p>

Challenges	Challenges to come
R1	<p>Much questions about how to interpret</p> <p>Will need a change regarding the identification and fulfillment of the needs of vulnerable people</p> <p>Reasonable standard of living, with the link to allowances. Sweden have not revised their allowances at all, “now celebrating a shameful 20-year anniversary”</p>
R2	<p>Hard to keep the standard in the 2000s with using apartments to the extent we needed.</p> <p>“They still have their right to accommodations and we see to it that they get this, but it turns into a sort of constipation since new asylum seekers arrives but they are not getting out of the reception system to the same extent. The Employment office cannot work magic either, there's a limited amount of apartments available and we are actually competing about the rental apartments. If we had a steady outflow where everyone who got residence permits would leave the reception system, we would of course not need the temporary accommodations.”</p> <p>In the municipality there is a lack of housing, they are not able to receive applicants to the needed extent. 2 individuals, assigned by Ullenhag, to talk with the municipalities regarding this.</p> <p>Longer times when making a decision than it should be.</p> <p>With continued high influx, finding accommodation in the standard MB want to offer.</p> <p>There is a resistance in many municipalities to receive applicants.</p>
R3	<p>"When creating new functions at the MB, it's always a challenge, one needs to find his relation to society and so-so "</p> <p>“Today, for example with the events in Syria, there are many people fleeing from a very dirty war. And then of course, you are fleeing from different things. But when there really is a war-situation, of course many will be traumatized.”</p> <p>Not always easy to solve the "right" accommodation to traumatized applicants, but for ex. they do not have to share a room.</p>

	<p>Challenges in providing medical care for the traumatized applicants since different parts of the country have different amount of training and practice in providing health care to people speaking a different language. Since it is a matter of providing qualified care through interpreters, it can be challenging for some. The health care that can not be deferred - a matter of judgment for all.</p> <p>Sweden is a long country and logistics can be difficult - to reach far enough and motivate people to travel further.</p> <p>“If you’ve already traveled 1500 km to get away from a conflict, and then you are put on a train to travel 1500 km further for an accommodation in Jällivare, maybe you are not so comfortable with that since you want to be sure of where you wind up.”</p> <p>A strategy MB has, established all around the country, have good municipal reception. Work with this regularly.</p> <p>Problems when people with UPT is left in the ABO and families are coming - not the right to live at the same accommodation. Some municipalities do not think they are "residing" in the municipality, but the MB thinks so. But, this means that families can get divided.</p> <p>“Of course, it is essential in the reception conditions work in Sweden (i.e. health care), but it is a bit unfortunate when you have this expression since it is such a strong writing, it makes it “airy”. It gets vague. If they made it impossible from the start to do something about this, they unfortunately made it even harder now.”</p> <p>Worry in the staff at the Migration Board due to the writing that they should ensure the applicants physical and mental health, since they interpreted it as if this was a job for the Migration Board. However, it’s a job for the Member State</p>
R4	<p>Lacking apartments in Sweden - a political effect.</p> <p>"Although we maintain a high level we can not be satisfied" The ambition to provide apartments is challenge, and to switch out the temporary solutions (12,000 beds). Also a huge task in pedagogical put this forward to the municipalities.</p> <p>Challenge in opening up to other solutions for unaccompanied children because they are not by definition under the LVU-law. Should be regular homes.</p> <p>The asylum process up to 120-130 instead of 90 days when high influx.</p> <p>“Today, we have approximately 10,000 individuals with a residence permit remaining in our accommodation waiting to get placements. It is very, very worrisome. They are occupying places too, especially as we also have the desperate need to find more apartments and therefore must use temporary solutions. “</p> <p>A question for the highest political level - to get accommodation in the municipalities. Make sure they get what they need in order to deal with this, eg compensation.</p> <p>Working towards a Europe where the other countries can advance towards Sweden. “please note that I said advance towards us. I consider it completely impossible that they would reach our level. That is not even to be found on the map.”</p> <p>Challenge in the harmonization of asylum laws in a European perspective. It is important for Sweden to be a part of every imaginable context, both national and international, it’s a strategically important question if Europe ever wants to have a</p>

	substantial chance to actually reach what is written in the directives.
R5	<p>In autumn 2013, 1800-2000 applications a week.</p> <p>The goal is to go from temporary to apartment - not easy.</p> <p>The planning on ABOs is difficult despite predictions since they go up and down, in intervals etc.</p> <p>To many with PUT in the system, the MB can do what they can to discuss housing in municipalities.</p> <p>"It is difficult for us, since these accommodations, I mean, it's tax revenue, and we have to keep that under consideration. We cannot, if we were to sign contracts with various suppliers, that would be a cost for the taxpayers, and we cannot have too many places in the balance if you understand what I mean. We have to keep it just in line with the actual influx."</p> <p>" Got a lot of bids on the TBO and it gave us access to many places." As seen in media, challenging with campsites and difficulties with this since they are seasonal, they must move when season starts.</p> <p>There may be challenges in all these provisions, what does mental health mean.</p> <p>Keep working on improvements - finding good conditions for planning, increasing their foresight regarding both liquidations and procurements in order to create further clarity in all these questions.</p>

OTHER	Other actors	Document	The Applicants' views
R1	Social services are fully responsible for accommodation in terms of unaccompanied children since the 1 st of July 2007. They are reviewed by IVO – "Inspectorate for Health Care"	Government study SOU 2003:89, "EG rätten om mottagande av asylsökande".	
R2	<p>Institution if required by the county council and social services.</p> <p>Employment office to match housing and work for PUT</p> <p>Get accommodation by landlords and many times the municipalities, "and they have a shortage of housing, or they are not able to receive the new arrivals to the extent we need"</p> <p>County councils must assess what is health care that can not be deferred.</p>	Lagen om mottagande av asylsökande	<p>"The situation that they are from the beginning makes them, they might not be happy with this, you do not want to stay in our accommodation, they want to come out and get a life of their own, so to speak, a real home".</p> <p>"Uh, if you live in our housing, one does not have their own furniture, (...) singles share the flat with other single people and that might not be comfortable either"</p>
R3	The MB is not primarily responsible for the actual execution of health care		

	Of course, the MB will as an “expert authority” support them in this, but it is still the county who is accounting for the healthcare		
R4	Social service for unaccompanied children Employment office for further establishment	LVU – unaccompanied children	
R5	Establishments – the eemploymentoffice, the municipalities, the government, many actors involved in these issues.	Contract documents for TBO, SSI workshop agreement.	"4 asylum seeking men may share the apartment, they may perceive it as very difficult. But you have to use all placements”