

## Return activities

– results, costs and effectiveness

# Summary and recommendations

### Return activities

A person who is not permitted to reside in Sweden is expected to return to his or her country of origin or any other country, primarily on a voluntary basis and without assistance from the authorities. The State conducts activities to stimulate voluntary departures and to execute enforced removals, if necessary using coercive measures. At agency level the responsibility for the activities is essentially shared between the Swedish Migration Agency and the Swedish Police Authority.

Decisions concerning return should normally be enforced by the Migration Agency. However, the Migration Agency may delegate a case to the Police Authority if the person has absconded or if coercive measures are necessary to enforce the decision. The Police Authority may also in some cases decide on removal and in that case should also enforce the decision. The Swedish Prison and Probation Service assists the Swedish Migration Agency and the Swedish Police Authority with transportation.

The Swedish NAO has audited how the Government managed return activities and how the agencies carried them out between 2013 and 2018. The audit also covered the results achieved by the activities and how much they have cost.

## Audit findings

### The ambitions have not been achieved

Under the EU Return Directive, Sweden have committed to ensure to end illegal stay of third-country nationals. Since the late 1990s, the Riksdag and the Government have strived towards a greater number of returnees, and that the return should be primarily voluntary. The Swedish NAO finds that the ambitions have not been fully achieved.

The Swedish NAO has followed over 23,000 return cases that has been opened by the Swedish Migration Agency in 2013 and 2014. Four years later, just over half of the cases studied were closed with a registered departure from the country. In most of these cases the person left the country voluntarily. However, a quarter of cases were closed by the expiry of the limitation period for the return decision. The remaining cases were closed in other ways, such as through granting the person a residence permit.

More than half of the cases had been handed over to the Swedish Police Authority because the person had absconded or because coercive measures were required to enforce the decision. Of these, only every third case was closed through a registered departure. In most of these cases the person had left the country on their own, without the involvement of the Swedish Police Authority. The agencies' own reports do not suggest that the results of the activities have changed significantly for cases registered with the Swedish Migration Agency after 2014. In recent years, the processing period for return cases has increased.

It is difficult to assess how many of the studied cases that remain in Sweden or the EU illegally. Some have probably left the Schengen area without notifying the Swedish authorities. At the same time, others have been registered as departed from Sweden, while in fact they have gone into hiding from the return decision in another EU country. A growing number of people whose asylum applications have been rejected in Sweden are found in other EU countries, and some of them are returned to Sweden under the Dublin Regulation.

### Costs have increased

The Swedish NAO's audit shows that the aggregate costs of the three agencies' activities increased by 40 per cent to just under SEK 2 billion in the period 2016-2018. During the same period, the number of closed return cases decreased. If the total cost of the activities is averaged out per person returned, it has increased from about SEK 48,000 in 2016 to just under SEK 97,000 in 2018. The increase can be partly explained by the fact that in 2016 the Swedish Migration Agency was able to enforce many relatively simple cases concerning individuals who decided to withdraw their asylum application from 2015. This means that the more difficult cases have remained. A further explanation may be that detention activities were extended during the period, but their results are still pending.

### Weak holistic perspective in governance

The audit shows weaknesses in the governance and coordination of return activities. The Riksdag and the Government have decided on the focus of activities, but they do not specify the expected total cost or the expected results. Governance is complicated by the fact that the activities are a relatively small sub-assignment for three different agencies and are financed from appropriations from two different expenditure categories in the government's budget bill. Their actual costs are not followed up on a regular basis except at the final stage, departures.

A great deal of responsibility for allocating resources to activities leading to departures has been delegated to the Swedish Police Authority and the Swedish Migration Agency's regional organisations. They must, on an ongoing basis and individually, reorder priorities between resources to return activities and to their respective organisations' other tasks. Despite this, the agencies are expected to deliver departures for an amount that has been decided in advance by the Riksdag.

The Swedish NAO considers that the lack of coordinated financial management and fragmented responsibility for agency governance poses a risk that the collective resources of the activities will not be allocated rationally between and within the agencies. This is probably a partial explanation for the appropriations allocated by the Riksdag not being fully used in any of the years audited.

### Deficient coordination between agencies

The division of tasks between the three agencies means that both cases and natural persons must be transferred between them, often under time pressure. The audit shows that for two decades the Government and the agencies have tried to deal with the various coordination problems that have arisen in the activities. Nevertheless, there are still substantial problems.

Unclear divisions of responsibility and overlapping mandates cause considerable problems for the agencies. In many cases, the chains of responsibility are broken, meaning that one agency is responsible for the implementation or costs of decisions taken by another agency. This sometimes leads to internal priorities and approaches which may be rational for the individual agency, but not for the return activities as a whole. Examples of this are the prioritisation of detention places and the division of responsibilities in domestic transport.

The division of activities among three agencies also assumes that the agencies can share information with each other. The Swedish NAO draws attention to the fact that the transfer of information may be hindered by confidentiality rules and incompatible IT systems. Information is transferred and recorded manually, resulting in extra work, loss of information and outright errors. Following up cases, individuals, costs and results requires a great deal of work and is in many cases impossible.

The Swedish NAO is of the opinion that the ambition of the Riksdag and the Government to increase efficiency through streamlining the agencies' mandates has not been achieved. Much of the problem stems from the fact that the activities are shared by three different agencies. The Swedish NAO has doubts as to whether it is possible to substantially improve the effectiveness of the activities with existing mandates and the current division of responsibilities between the three agencies.

### Conflicting objectives complicate the activities

The audit draws attention to the conflicting objectives between the return activities and certain regulatory frameworks and conditions that in part have other purposes. These include the possibility of a new review for work or study for individuals whose asylum applications have previously been rejected ("track change" and "Upper Secondary School Act"), regulations for population registration and regulations for coordination numbers for individuals lacking residence permit in Sweden. However, it is outside the scope of this audit to weigh the possible negative effects on returns against the

other purposes intended by the legislator. The Swedish NAO therefore refrains from making recommendations in these respects.

It is also clear from the audit that readmission agreements, memoranda of understanding regarding readmission and lists of “safe” countries are probably effective resources for return activities. However, these are part of Sweden’s and the EU’s wider foreign relations and therefore require considerations that go beyond the mandate of the Swedish NAO.

### Some circumstances are difficult to influence

The audit shows that the results of the activities are in part affected by circumstances that are difficult for the Swedish government and its agencies to influence. In particular, the individual’s own motivation to return and the willingness of the recipient countries to readmit their citizens are important for these activities. Furthermore, cooperation by other countries is required and national discretion is framed by EU-wide regulations and international conventions. These circumstances can only be partially influenced by the efforts of the State.

## Recommendations

The Swedish National Audit Office recommends the Government to

- review the mandates and division of responsibility between the agencies, as well as consider changes to the organisation of the agencies in this area
- strengthen the coordination of targets, results, and financial management for return activities
- consider how to improve the transfer of information between agencies involved in return activities.

The Swedish NAO recommends the Swedish Migration Agency, the Swedish Police Authority and the Swedish Prison and Probation Service to

- further develop the forms of operational cooperation and consultation on the overall needs of the activities
- develop the forms for and consensus around transfer of information between agencies within the framework of existing legislation
- substantially improve the quality of register data of the activities.

The Swedish NAO recommends the Swedish Migration Agency and the Swedish Police Authority to

- work towards increased consensus, in particular concerning how to prioritise the use of detention places as well as assessment and classification of enforceability and identity.

The Swedish NAO recommends the Swedish Police Authority and the Swedish Prison and Probation Service to

- work towards an increased consensus, particularly concerning division of responsibilities regarding domestic transport, forms of ordering international transport and the use of transport provided by the European Border and Coast Guard Agency Frontex.