



Summary:

Establishment of temporary border controls at internal borders

The purpose of the audit was to assess whether the temporary border controls at internal borders introduced in November 2015 were established appropriately and efficiently. The Swedish National Audit Office notes that the Police Authority by and large established the border controls appropriately. This is largely due to the work conducted regionally and, above all, locally, at the border control sites. However, there were deficiencies in preparedness, governance and follow-up, without which the border controls could have been established more efficiently.

The audit was based on five audit questions and deals with the period until the national reinforcements for the temporary border controls ceased in May 2016. The Swedish NAO's findings and assessments of each question are presented below.

Was the remit to reintroduce border controls clear?

The Swedish NAO notes that it was clear to the Police Authority where the reintroduced border controls should be located, and that the specific sites were specified at national level within the Police Authority. However, both the Government's and the Police Authority's decisions were unclear as regards the design of the temporary border controls. The Government left this matter entirely and without closer guidance to the Police Authority. Within the Police Authority the design of the border controls was regarded as an operative matter that was left to heads of operations, site managers and operative personnel to solve. This means that there was no overall governance to ensure that the controls were conducted appropriately and in accordance with current regulations.

Were the border controls conducted appropriately?

The audit shows that the border controls were appropriately located to main entry points into Sweden for migrants. The implementation was at three levels of ambition and varied considerably between the South and West police regions. The Swedish NAO

assesses that the controls were by and large appropriately designed to achieve their purpose given the conditions at the different control sites. However, to ensure appropriateness throughout the operation, Region South should have considered whether the design should be adjusted when the number of migrants arriving decreased.

Regarding staffing, the Swedish NAO notes that Region South by and large had no border police competence at the temporary border controls. Moreover, the Swedish NAO notes that legislation is not clear as regards the transfer of responsibility for an asylum seeker between the Police Authority and the Swedish Migration Agency, which entails a risk that people stating that they want to apply for asylum could enter the country without formal asylum application.

Was the Police Authority's planning and preparedness reasonable for enabling reintroduction of temporary border controls at internal borders?

Six out of seven police regions have drawn up contingency plans for reintroducing border controls at internal borders. The majority of the plans have deficiencies, mainly regarding resources and communication, resulting for example in the Police Authority not having a comprehensive picture of its capacity. As regards division of responsibility, the plans are based on procedures for particular events, which may be problematical since these have not been adapted to the new police organisation. Despite the deficiencies, the Police Authority has been able to deal with the acute situation in the temporary border controls in question, but better preparedness would probably have facilitated more efficient reintroduction.

Did the Police Authority work to a reasonable extent to minimise negative effects on its other activities?

The Swedish NAO notes that no systematic work was carried out within the Police Authority to minimise negative effects on other activities. Region South tried, however, to actively manage such effects when selecting reserve personnel. The Police Authority on the whole lacked procedures for selecting reserve personnel. According to the Swedish NAO, assistance from cooperation agencies was used to a reasonable extent in Region West, but could have been used to a greater extent in Region South to reduce the strains on the Police Authority. The Swedish NAO is positive to the fact that the Police Authority improved its reserve personnel planning in the course of the operation.

Was follow-up of the border controls' costs and effects adequate for reviewing the need for continued internal border controls and making adjustments where necessary?

The Swedish NAO finds that the follow-up that took place was not sufficient to serve as a fully satisfactory basis for the Government's decisions on prolonging the temporary border controls or for adjustments made by the Police Authority. The agencies involved have followed up changes in the flows of migrants as well as some costs. However, they have not systematically followed up whether the requirements for reintroducing temporary border controls were met or the effects of the temporary border controls, either on the threat that was to be averted or on the operational agencies' other activities.

According to the Swedish NAO, the Police Authority should have ensured that there was satisfactory follow-up of the measure in order to be able to make any adjustments to it. In its capacity of decision-maker, the Government should have taken greater responsibility for guaranteeing satisfactory decision-support.

Overall conclusions

The audit has shown that the Government decided on reintroduction and prolongation of the temporary border controls without adequate governance and follow-up. In the opinion of the Swedish NAO this entailed major risks, particularly since it involved a large police operation in a situation when the Police Authority was already strained and the application of a restrictive exemption rule, and in view of the fact that border controls can have major consequences for individuals. As mentioned, the border controls in question were, however, established appropriately.

During the audit the Swedish NAO noted deficiencies in management and communication with the Police Authority. For example, the national leadership had an incorrect understanding of how the controls were implemented. The deficiencies led to unclear instructions and remit, as well as information not being dealt with and spread.

In the audit the Swedish NAO also pointed out some measures that could improve the capacity to establish temporary border controls at internal borders more efficiently and with higher quality:

- The Government should review the Aliens Act and the Aliens Ordinance with regard to the respective responsibilities of the Police Authority and the Swedish Migration Agency.
- The Police Authority should plan for adaptation and equipment of possible control sites for temporary border controls at internal borders.

- The Police Authority should update the existing contingency plans as well as drawing up a national plan and a plan for Region Stockholm. The Authority should also update its procedures for particular events.
- The Police Authority should formulate principles for selection of reserve personnel that take into account both short and long term operations.
- The Police Authority should implement broader training within the Authority relating to law pertaining to aliens.