



## Summary:

# Lessons from the refugee situation in 2015 – preparedness and management

## Summary and recommendations

### Background and reasons for the audit

The large number of people seeking asylum in Sweden in 2015 is unprecedented in the country's post-war history. More than 63 000 asylum seekers arrived in the course of one year, half of them in a period of just two months. In addition, a large number of people passed through Sweden with the intention of seeking asylum in other countries. Many of the asylum seekers and transiting migrants were unaccompanied minors. The refugee situation escalated over several weeks and months and impacted many public services. Several of these services were under strain already in the early autumn of 2015, since the number of people seeking asylum in Sweden had increased gradually and substantially over several successive years.

The Government, the Government Offices, responsible authorities, County Administrative Boards and municipalities were under a heavy workload and were forced to reprioritise extensively to manage the situation. Civil society also made a considerable contribution. Initially there was no way of knowing how long the situation would continue, nor was there any prepared or obvious answer to how it could be solved. To a great extent the choice of which measures were to be taken and when was dependent on political considerations.

The Swedish National Audit Office has audited the Government and agencies' preparedness for and management of the reception of asylum seekers in autumn 2015 in the initial phase, i.e. registration and first accommodation. In connection with this audit the Swedish NAO also implemented a separate audit of whether there are lessons to be learned from the 1992 wave of refugees. The result of this audit is reported in Annex 1. Documented experience plays an important part in the country's emergency preparedness, which is one reason for these Swedish NAO audits.

The aim is also to contribute to development of efforts in the areas of migration and emergency preparedness, as well as crisis management more generally. The sometimes critical conclusions presented by the Swedish NAO in this report are not intended to belittle the valuable contributions made in a highly strained situation in the autumn.

The audit was based on four questions:

1. Was preparedness sufficient in the Swedish Migration Agency, the Government Offices, the Civil Contingencies Agency and the County Administrative Boards to handle the rapid increase in the number of asylum seekers in autumn 2015?
2. Did the Swedish Migration Agency fulfil its remit in autumn 2015, and did the Civil Contingencies Agency support that work?
3. Did the Swedish Migration Agency, the County Administrative Boards and other actors cooperate in accordance with the principle of responsibility and how did the Civil Contingencies Agency support this coordination?
4. Did the Government's governance facilitate for the Swedish Migration Agency and other actors to manage their assignments?

The Swedish NAO's overall assessment is that preparedness was deficient in some respects. The Swedish Migration Agency and other agencies were not trained to interact with each other in such a large and complex event as the refugee situation was. The joint management was therefore not as smooth and efficient as it could have been. However, in the opinion of the Swedish NAO, the Swedish Migration Agency and the Civil Contingencies Agency mainly succeeded in discharging their own core remit in the refugee situation.

Safeguarding life, health and due process of law are among the central objectives of national emergency preparedness. The refugee situation led in some cases to a risk of failure to achieve these objectives. The assessment of the Swedish NAO is that it was mainly obstacles in regulations and the concerted capacity of society that contributed to this, and not deficiencies at individual agencies. However, smoother interaction between agencies could have reduced these risks somewhat.

In November 2015 internal border controls were introduced and the number of asylum seekers started to gradually subside. In the opinion of the Swedish NAO, a continued inflow of asylum seekers at the same levels as at the end of October/beginning of November would have led to agencies and municipalities hardly being able to comply with all applicable legislation intended to safeguard life, health and due process of law.

Some form of measure that could reduce the acute strain on society's various actors was therefore necessary in late autumn 2015.

## **Low emergency preparedness for the type of event constituted by the flow of refugees**

The assessment of the Swedish NAO is that agencies concerned were not sufficiently prepared for the type of crisis that the refugee situation was. The agencies' prepared crisis organisations were not always adapted to the length and complexity of the refugee situation. Up to 2016 the Swedish Migration Agency was not either included in the annex to the Emergency Management and Heightened Alert Ordinance, which probably had negative consequences for the agency's cooperation capacity and knowledge of national crisis management. Moreover, there were deficiencies in the risk and vulnerability analyses the agencies are charged with preparing and that are to help to develop emergency preparedness. The Swedish Migration Agency had not prepared this analysis since the agency believed that the requirement only applied to agencies listed in the annex to the Emergency Management and Heightened Alert Ordinance. The County Administrative Boards' risk and vulnerability analyses had deficiencies and were used to a small extent to develop their own emergency preparedness. The Civil Contingencies Agency's national risk analysis, which largely builds on these risk and vulnerability analyses, had not identified a large flow of refugees as a possible risk, despite the substantial increase in the number of asylum seekers over several years.

The deficiencies in the risk and vulnerability analyses indicate that the work on these needs to be developed. The selection of agencies included in the annex to the Emergency Management and Heightened Alert Ordinance also affects the reference data collected by the Civil Contingencies Agency for its national risk analyses, and as well as probably the agencies' general cooperation and crisis management knowledge.

The exercise activities of the agencies audited also had deficiencies. Neither the Swedish Migration Agency nor any other agency had exercised on the basis of a scenario in which many refugees arrive over a short period. Most actors also had limited experience of exercising with scenarios involving a slowly escalating course of events, which make different demands in relation to discovery of the event, initiation of measures and sustainability of management than the rapid scenarios that the exercises usually assume.

The Swedish NAO considers that an increased focus by the Civil Contingencies Agency on building up capacity among the actors to enable them to also manage slow courses of events would be valuable. Exercises focusing on scenarios with a slow sequence of events

may consume more resources than exercises for shorter sequences, but the additional cost may be justifiable if the exercise leads to more in-depth crisis management capacity.

Many of the actors concerned do not seem to have been prepared for the possibility of a substantial increase in asylum seekers in the autumn. The Swedish Migration Agency's forecasts of the numbers of asylum seekers were adjusted downwards in July 2015. The Agency assessed – with great uncertainty and stressing that the numbers could rise – that a total of 66 000–80 000 asylum seekers would come during the year. The preparations made consisted mainly of the Swedish Migration Agency from 2012 gradually dealing with an increasing number of asylum seekers, thus building up relevant experience and procedures.

An overview of the Government's migration policy bills in the past decade also shows that no-one addressed the possibility of situations similar to that of autumn 2015 in their impact assessments.

### *The Swedish Migration Agency's contingency planning did not work in practice*

In recent years, the Swedish Migration Agency has worked to increase its capacity to deal with increases and major seasonal variations in the number of asylum seekers. For example, the Agency prepared contingency plans mainly focused on the initial asylum process and on having sufficient accommodation. The Swedish Migration Agency's contingency plans to autumn 2015 went as far as the reception of 4 000 asylum seekers per week, a level that was exceeded as early as September. Later in the autumn the Swedish Migration Agency raised the ambition of the plan to 16 000 asylum seekers per week, a level that was higher than the actual number that arrived in that period. However, the Swedish NAO considers that the contingency plans did not contain measures that in practice could be expected to lead to such a high accommodation capacity.

Moreover, the audit shows that the contingency plans in force up to and including 2015 were only focused on measures in the Swedish Migration Agency and not linked to other actors such as the Civil Contingencies Agency or the County Administrative Boards. The Swedish Migration Agency thus had not practiced or prepared sufficiently for situations where the Agency's own capacity would be exceeded and support needed from other actors.

The Migration Agency has evaluated its contingency plans and in 2016 drew up a new plan in which the preparedness levels were more clearly linked to the accommodation and staff resources that were available. The plan also specifies when the Agency needs to contact the Civil Contingencies Agency and other relevant actors. The Swedish NAO assesses that the new plan facilitates the Migration Agency's management of a new sharp increase in asylum seekers.

However, the Swedish NAO wishes to emphasise the importance of the Migration Agency gaining acceptance for the plan within the agency as well as in the Government Offices and among other relevant actors, and clearly signals to these actors when the level of preparedness is going to be raised. This is important to enable the actors involved in reception to deal with their areas of responsibility effectively.

The Swedish Migration Agency's emergency preparedness must also be put in a wider perspective according to the Swedish NAO. In the first place asylum reception is not just the responsibility of the Migration Agency; the municipalities, which are responsible for reception of unaccompanied minors, also need to have preparedness. In addition the municipalities are responsible for reception of adults and families whose applications are accepted.

In the second place, the capacity of the Migration Agency to carry out its task is limited by several factors outside its control. This applies in particular to availability of asylum accommodation, where the housing market supply, regulations for new construction and procurement rules create considerable restrictions on the ability of the Migration Agency to rapidly produce accommodation.

The Swedish NAO also wishes to raise the question of whether it is reasonable to expect the Migration Agency to have emergency preparedness for in theory an unlimited number of asylum seekers. The question of emergency preparedness to receive asylum seekers cannot therefore be restricted to a matter of the Migration Agency's own planning, but is ultimately a matter of the collective capacity of society.

The Migration Agency, the Government and other actors should consider the measures that others can take in situations in which the Migration Agency's possibilities of receiving asylum seekers have been exhausted, regardless of additional resources to the Agency. In autumn 2015 this had not been done in advance, resulting in the partially improvised measures by the Government and others being less effective or implemented too late to have any real effect.

## The Migration Agency and the Civil Contingencies Agency mainly fulfilled their core missions

The Swedish emergency preparedness system is based on the principle of responsibility. This principle entails a responsibility for each actor even in a crisis situation to fulfil its core mission and to cooperate with others to achieve common objectives. The Government has put the principle into practice, for example in the provisions of the Emergency Management and Heightened Alert Ordinance that stipulate that government agencies are not only to develop a good capacity to manage their tasks, but also that they must cooperate and support each other in a crisis situation.

### *The Swedish Migration Agency mainly managed registration of asylum seekers*

The Swedish NAO considers that the Swedish Migration Agency mainly managed its task of organising first registration of adult asylum seekers and accompanying children. This took place, however, at the expense of a great strain on the Agency's staff and the lowering of priority for other activities in the organisation. The asylum seekers were affected by long waiting times and a poorer standard of accommodation. The Migration Agency's priority for core activities probably also made it more difficult for the municipalities to deal with reception, in particular of unaccompanied minors.

In autumn 2015 the Migration Agency endeavoured to simplify registration and be present at railway stations and other points where asylum seekers arrived. In October almost 3 000 people were expected to seek asylum but who were not registered in the Migration Agency's system. The waiting times for registration resulted in a number of people being in the country under partly unclear legal circumstances. This has meant an increased workload for the municipalities, who had to deal with emergency help for unregistered individuals.

### *Access to accommodation set a capacity ceiling for the Swedish Migration Agency*

The Swedish NAO considers that the Migration Agency mainly fulfilled its commitment to offer registered asylum seekers reception accommodation and that the Agency's decisions to increase concentration and reduce quality requirements for accommodation were reasonable. However, municipal evacuation accommodation was necessary to

enable the Migration Agency to manage its task. Lack of clarity on regulation, financing and responsibility for evacuation places has made it more difficult for the Migration Agency and the municipalities to find accommodation. In November 2015 the Swedish Migration Agency could no longer arrange a roof over the heads of all registered asylum seekers. The number of cases – around 250 – is small, however, in relation to the large number of asylum seekers who arrived in the autumn.

The Swedish Migration Agency did not utilise all the accommodation that other actors investigated, and it is possible that some margin remained for arranging further evacuation accommodation, mainly under municipal management. Even if all proposed accommodation had been utilised, it would probably nevertheless not have been enough for more than another month. The Swedish NAO's conclusion is that access to accommodation would have severely restricted the Swedish Migration Agency's ability to fulfil its remit if the inflow of asylum seekers had remained at the high levels of the late autumn.

The central government capacity for rapid setup of new accommodation locations is very limited. No agency has an explicit remit, organisation or resources for this activity. Nor are the peacetime regulations in the Planning and Building Act designed with situations such as that last autumn in mind. Relaxations were only introduced in the Planning and Building Ordinance after the most acute situation had passed. The amendments referred exclusively to construction of temporary accommodation centres for asylum seekers. In the opinion of the Swedish NAO, given the existing regulations and agency remit, there are no realistic conditions for central government to establish any substantial number of new places in accommodation in the form of centres.

Since an acute need for accommodation centres may arise in peacetime for other reasons as well, the Swedish NAO considers that it may be necessary to review regulations and agency remits for the purpose of setting up temporary evacuation accommodation.

### *The Migration Agency's overall priorities were reasonable*

Giving priority to registration and accommodation of asylum seekers meant that the Migration Agency set aside other tasks in a way that will probably lengthen the processing time and thereby the duration of the stay in the later phases of the asylum process. The Swedish NAO considers that the priorities were necessary to safeguard life, health and legal security, but entailed increased costs and may in some respects be problematical for legal security in the asylum process. In the longer term it may also impede introduction of new arrivals. However, it is too early to assess the consequences of these priorities.

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*The Civil Contingencies Agency fulfilled its remit to assist the Government, but a lack of clarity arose in its role in relation to other agencies*

The Swedish NAO considers that the Civil Contingencies Agency fulfilled its remit to assist the Government and Government Offices with documentation and information. The Civil Contingencies Agency's reporting was to a great extent used as reference material and the information was spread widely in the Government Offices.

In October 2015 the Government decided to clarify the Civil Contingencies Agency's instruction-governed coordinating remit in a separate government decision. The decision seems to have had limited significance for the Civil Contingencies Agency's own activities, but is stated to have been important to provide legitimacy to the Civil Contingencies Agency's remit among other agencies concerned. This indicates that the role of the Civil Contingencies Agency is not sufficiently established with the agencies.

There was some lack of clarity on what joint objectives and priorities applied in the management of the refugee situation in the autumn. This may have meant that agencies concerned focused on their core remit and reduced the priority of tasks that required cooperation. Several agencies have mentioned that the Civil Contingencies Agency should have drawn up directions for the joint management of the refugee situation. The Swedish NAO considers, however, that the Civil Contingencies Agency did not have a mandate to determine which overall objectives and priorities were to apply. When joint objectives and priorities for agencies are unclear, the responsibility lies ultimately with the Government.

*The Civil Contingencies Agency provided support to the Swedish Migration Agency – but not always the support desired*

The audit shows that in accordance with its instructions, the Civil Contingencies Agency provided support resources to the Swedish Migration Agency and other agencies. However, the Migration Agency considered it would have greater benefit from relatively concrete measures and participation in operative roles in the central staff functions than from observation and advice. County Administrative Boards have stated that they sometimes found it hard to see the benefit of the Civil Contingencies Agency's coordinating activities. These views coincide to a great extent with the experiences of managing the fire in Västmanland in 2014. In the opinion of the Swedish NAO, individual actors did not always know about the role of the Civil Contingencies Agency, or

understand the purpose of the agency's coordinating and information exchange activities. In an emergency, individual actors may also call for reinforcements that are not directly linked to the protection and preparedness of society. However, the remit of the Civil Contingencies Agency does not include covering such needs. All in all, this gives the impression that the role of the Civil Contingencies Agency in the management of ongoing emergency situations is in some respects unclear to other actors and that the support offered by the Agency to others does not always meet the expectations and needs of the recipients.

### *The County Administrative Boards acted differently*

The County Administrative Boards acted in different ways during the refugee crisis. This may partly be explained by the fact that the actual circumstances in the counties were different. The Swedish NAO considers, however, that even lack of clarity in the responsibility of the County Administrative Boards for geographical areas contributed to the different working methods. The regulations provide great space for different interpretations of the County Administrative Boards' remit for both emergency preparedness and managing emergencies.

## **Deficiencies in agencies' cooperation**

The audit showed deficiencies in agencies' cooperation. As in evaluations of other crises and extraordinary situations, it shows that agencies in an emergency situation tend to focus on their own core remit and often at the expense of cooperation. It is not unexpected in a severely strained situation that there is a failure in communication between different actors and friction arises regarding divisions of responsibility and management of the situation. Nevertheless, the Swedish NAO considers that the extensive information on differences is remarkable. At the same time there is information stating that cooperation in other respects worked well, particularly at local level, and that cooperation between agencies centrally gradually improved during autumn 2015.

### *Deficiencies in the Swedish Migration Agency's capacity to interact and receive support*

The previously mentioned deficiencies in the Swedish Migration Agency's emergency preparedness impacted the Agency's capacity to interact with others. The Agency was perceived by others to be focused on its own core remit and to lack capacity for taking other actors' remits into consideration. The Migration Agency's focus on its own activities contributed to putting municipalities into situations that forced them to contravene

central government regulations on schools, social services and reception of unaccompanied minors. The Swedish NAO cannot with certainty give an opinion on whether this could have been completely avoided through better communication and cooperation on the part of the Migration Agency. Neither was the Migration Agency able to fully receive the support offered by the Civil Contingencies Agency, County Administrative Boards, municipalities and voluntary organisations.

### *Varying interpretations of the principle of responsibility and knowledge of national crisis management*

Another explanation of the frictions that arose in the agencies' cooperation may be found in lack of clarity or ignorance of the implication of the principle of responsibility. The Migration Agency interpreted the principle more narrowly to mean that the Agency's main responsibility was to conduct its own core activities.

The Swedish NAO considers that it could be questioned whether the principle of responsibility is sufficiently clear to act as guidance in situations of crisis. The Swedish NAO considers that a consistent application of the principle should be guaranteed with other policy instruments such as statutory regulation, instructions to agencies, allocation of appropriations or information.

### **The Government acted, but with mixed results**

The principles of responsibility and vicinity imply a great responsibility for agencies to draw the Government's attention to situations they cannot manage. Nevertheless the Government has a great responsibility to obtain information necessary to govern the country.

### *The Government obtained information on the situation early, but the signals on necessary measures were not clear-cut*

Already in the summer of 2015 the Migration Agency informed the Government that the number of asylum seekers appeared to be exceeding the forecast made by the Agency in July. However, this does not seem to have led to any immediate measures by the Government. Nor did the situation reports that the Civil Contingencies Agency prepared from September onwards for the Government initially indicate that extraordinary efforts on the part of the Government would be necessary. The picture that was presented until October was that the situation was strained but that responsible agencies were in control of the situation.

Apart from the written reporting agencies, the Government and the Government Offices had extensive informal contacts during the autumn. In light of the escalating situation, it was natural and necessary to have close contacts between the Government and agencies. The informal contacts were not always documented, however. Consequently, the Swedish NAO cannot give an exhaustive account of whether, when and in what way the Migration Agency and other agencies signalled the need for supportive measures from the Government. The Swedish NAO wishes to underline the importance of careful documentation of the Government's drafting and decision-making material as a condition for subsequent control and follow-up.

*The Government was very active but many of the measures were late and had a limited effect on the acute situation*

Already at the beginning of September the need for action by the Government started to be discussed in the Government Offices. The Government made the first decisions in response to the refugee situation at the beginning of October.

The Government then took a number of measures to manage the situation. The assessment of the Swedish NAO is that the results of the measures were often delayed until the end of or even after the acute phase. The October assignment to the National Agency for Public Procurement is an example of this. Only in November, almost two months after the Government's attention had been drawn to the procurement problems, could the agencies responsible obtain the response of the National Agency for Public Procurement concerning simplified procurement procedures. Several of the Government's measures also entailed the initiation of inquiries and surveys. Since most of these had a long preparation time they had little or no effect on the acute phase.

On 13 November 2015 border controls were introduced and the number of asylum seekers decreased gradually. The issue was raised whether this measure should have been taken earlier. When border controls were introduced almost a month had passed since the Civil Contingencies Agency had reported that several protective interests were challenged. The seriousness of the situation was underlined by the fact that it was the first time that the Civil Contingencies Agency reported that several protective interests were challenged.

The introduction of internal border controls was discussed early in the autumn, but the Government's opinion was that there was no reason to take such a decision as long as the agencies responsible such as the Police Authority and the Migration Agency advised against it. In addition the refugee situation differed from more traditional emergency events such as natural disasters or major accidents in that there was no given focus for its

management. The choice of focus required political consideration during the ongoing situation. Only on 23 October did this consideration result in an agreement between the Government and the opposition parties.

In the opinion of the Swedish NAO, a continued inflow of asylum seekers at the same levels as at the end of October/beginning of November would have led to agencies and municipalities hardly being able to comply with applicable legislation intended to safeguard life, health and due process of law. Some form of measure that could reduce the acute strain on society's various actors was therefore necessary in late autumn 2015. The decision to introduce border controls required political consideration, consequently the Swedish NAO does not take a position on the choice of this measure.

### *The Government's measures for new accommodation had little effect*

The four separate government decisions were intended to produce accommodation for asylum seekers in addition to the Swedish Migration Agency's ordinary task of arranging accommodation. In light of the acute situation, the Swedish NAO considers it reasonable that the Government acted to try and relieve the pressure on the Swedish Migration Agency. However, the decisions only led to modest results in the form of actual accommodation, despite the fact that they meant considerable extra work for the County Administrative Boards, Civil Contingencies Agency and municipalities, among others. In retrospect it could be questioned whether agencies that normally do not seek, set up or operate accommodation should start to do so in an acute situation. It is possible that the accommodation question could have been handled more effectively through stricter application of the principle of responsibility – i.e. that the Swedish Migration Agency had been given the entire responsibility for identifying and seeking accommodation, possibly augmented by other agencies.

The situation in the autumn also revealed a series of legislative, organisational, economic and practical obstacles to rapid establishment of accommodation centres under central government management. One possible lesson for the future is that similar situations must either be managed as part of the existing building stock, or that the institutional preconditions for rapid erection of accommodation centres under central government management should be changed.

### *Laws and regulations created obstacles for rapid management*

Both the interviews and written material show that extensive and protracted discussions took place within and between agencies concerned concerning the interpretation of regulations and divisions of responsibility. In principle all agencies express strong unwillingness to risk contravening current regulations. Several agencies decided to wait

and see before acting on matters that did not clearly fall under their own area of responsibility. This is an approach based on both statutes and sound administrative tradition. Nevertheless, in an acute situation this risks leading to the delay of measures to deal with acute needs or that the initiatives do not benefit the overall situation, as each agency is focusing on its own area of responsibility.

In the autumn several attempts were made to ease regulations to speed up various processes. Changes concerning agencies' regulations and general advice could often be made rapidly. Despite the fact that the Government and the Riksdag in theory can act fast to amend statutes, it took until 12 November before the first amendments to ordinances came into force and until 21 December before the first legislative amendments came into force. It was then a matter of statutes that were to reduce the inflow of asylum seekers, and not to facilitate reception of asylum seekers already in the country.

In the autumn, regulations in the area of planning and building were regarded as an obstacle to setting up reception accommodation in the form of new construction, tents or other facilities. As regards regulations for procurement, the Swedish Migration Agency states that courts dealing with appeals against the Migration Agency's procurement of accommodation prohibited the Agency to sign agreements in the period when the case was being dealt with by the court. This took place even when the procurement was particularly urgent. The Government drafted amendments to these regulations to facilitate faster procurement, but they only came into force after the acute situation. The separate audit conducted by the Swedish NAO of lessons learned from the wave of refugees in 1992 shows that the possibility of direct procurement was seen as a success factor in rapidly arranging accommodation.

Municipalities report that on a large number of occasions they were forced to contravene central government regulations applicable to schools and reception of unaccompanied minors. Even if the Government and agencies concerned acted, for example by reviewing different rules, the initiatives were not sufficient to avoid these situations.

One question raised in the audit is whether there is a need for new or extended statutory provisions that come into force in emergency situations to facilitate their management. Even if such provisions may be appropriate in an extraordinary situation, the advantages and disadvantages compared with existing legislation must be carefully considered.

## Overall national objectives of emergency preparedness and security were challenged

In the autumn a number of situations arose in which the protection of life, health and legal security could not be maintained. Perhaps the most serious concerns unaccompanied minors seeking asylum. The agencies responsible were unable to receive and register all minors directly on arrival in the country. This led to a large number being in the country without registration and thus unknown to the authorities. Even after registration a large number of unaccompanied minors were reported missing from asylum centres. Municipalities pointed out extensive deficiencies in their ability to comply with statutory requirements for reception of minors. In light of the extensive reporting, it is clear to the Swedish NAO that national emergency preparedness and regulations were not adapted to the situation that arose.

Public responsibility for emergency assistance to unregistered migrants is limited. Central government agencies were unable to take all migrants directly into account on arrival in the country. Registration of asylum seekers could also be delayed due to agencies' lack of capacity. Some people could also avoid registration on their own accord. Situations arose that risked compromising the life, health or legal security of this group. The efforts and assistance given to the group by voluntary organizations were of great importance.

The testimonies that conditions were strained in the Migration Agency's temporary waiting room at Malmö Exhibition and Convention Centre in November 2015 are unanimous. The Swedish NAO does not question the Migration Agency's assessment that Malmö Exhibition and Convention Centre was the least worst option in a very difficult situation. However, it is probable that protection of life and health could not be fully guaranteed, despite considerable efforts by the Migration Agency and voluntary organisations.

According to information provided, people at the Malmö Exhibition and Convention Centre could perceive the stay as detention. The Swedish NAO considers that this information gives cause for concern. Regulations concerning the Police Authority's and the Migration Agency's detention options in connection with border transit are not adapted to the situation that arose in autumn 2015. The agencies did not have the capacity to identify all migrants and register asylum seekers within the time limit of six hours during which the police may detain an alien, nor make individual decisions on

detention as prescribed by law. The Police and the Migration Agency were therefore put in a situation difficult to manage. It is important from the perspective of due process of law that no doubt arises as to whether a person is detained or not.

In conclusion, the Swedish NAO shares the opinion of the Civil Contingencies Agency of October 2015 that the refugee situation in the autumn entailed substantial challenges to national functionality regarding such items as social services, schools, healthcare, social care, housing, chief guardianship and service organisations. It is evident that neither the statutes governing the public commitment nor public resources were designed with a prolonged situation similar to that arising in autumn 2015 in mind.

### **Sparse documentation of the 1992 wave of refugees**

In 1992, 84 000 refugees arrived in Sweden, of whom 45 000 between June and September. More than 80 per cent of them came from the former Yugoslavia. The Swedish NAO has not found systematic documentation or follow-up of how the public authorities handled the acute situations arising as a result of this flow of refugees. The asylum process, reception, refugee and immigrant policy were, however, the subject of several inquiries that led to the development and amendment of the systems. Long waiting periods in the time of the then Swedish Immigration Board were a central problem even before the wave of refugees in 1992.

Judging from the documentation available, the Swedish Immigration Board seems to have been well prepared for the 1992 wave of refugees. The agency was aware of the risk of mass exodus as a result of the disintegration of the Eastern Bloc, and in good time had requested help from the Swedish Armed Forces and civilian actors to acquire various types of accommodation, as well as informing the Government. The Swedish NAO's interviews with representatives of the Swedish Immigration Board management of the time showed that the agency's regional organisation with far-reaching responsibilities and powers was a success factor and that the possibility of direct procurement was a condition for fulfilling the Board's remit. In the early 1990s, the Government made a number of decisions aimed at directly influencing the number of refugees admitted to Sweden and the number allowed to stay.

## The Swedish NAO's recommendations

### *The Swedish National Audit Office recommends that the Government*

- acts to ensure more consistent interpretation and better impact among agencies of the governing principles of crisis management, in particular the principle of responsibility
- considers whether the provisions of the Aliens' Act concerning detention are appropriate for situations similar to those arising on the introduction of border controls
- investigates the responsibility of the County Administrative Boards for geographical areas for the purpose of ensuring that they exercise this more uniformly
- investigates the need for amendments to regulations and agency remits in order to be able to rapidly set up temporary evacuation accommodation in Sweden in emergency situations
- instructs the National Agency for Public Procurement to prepare and pass on information on amended regulations for procurement, particularly regarding application to procurement in exceptionally urgent circumstances.

### *The Swedish NAO recommends that the Swedish Migration Agency*

- gains broad support for the new emergency preparedness plan within the agency, in the Government Offices and among other actors concerned, and carries out regular exercises and training together with actors concerned
- together with the Police Authority, investigates the events at the Malmö Exhibition and Convention Centre in the light of the provisions of the Aliens' Act on detention, and as needed takes necessary measures to ensure that individuals waiting for identity control and registration are given the correct information as to whether they are detainees.

### *The Swedish NAO recommends that the Swedish Civil Contingencies Agency*

- acts to ensure that knowledge of the role and mandate of the agency is strengthened among society's various actors; moreover, the Civil Contingencies Agency should clarify how the agency's various coordinating and supporting tasks can be made clearer and balanced in a crisis situation to better meet the needs of various actors involved
- by means of exercises and training acts to strengthen the agencies' ability to act and maintain their capacity in slowly escalating and prolonged events

- together with the County Administrative Boards and other agencies concerned, develops the work on risk and vulnerability analysis so that it reliably identifies serious societal risks and forms the basis for the emergency preparedness of agencies concerned and society.

*The Swedish NAO recommends that the County Administrative Boards*

- in accordance with regulations, implements and participates in emergency preparedness exercises and training together with other actors in the county.