

Sweden

Executive Summary

Foreign nationals must acquire the proper authorization in order to enter and/or remain in Sweden. These authorizations differ depending on the foreign national's country of origin and activity that will be performed while in Sweden. Recently, the Swedish government has created simpler rules in order to use the knowledge and experience that immigrants bring to the Swedish labour market.

Key Government Agencies

The Swedish State Department is responsible for receiving visa applications at Swedish embassies or consulates abroad. The visa applications are either processed by the Swedish embassy or consulate abroad or, in certain cases, by the Swedish Migration Board. The Swedish Migration Board is responsible for the processing of applications for work and residence permits in Sweden. Applications for work permits normally require that a certain form, an offer of employment, has been filled in by the Swedish employer before an application is handed in. In the offer of employment, the relevant union(s) shall state their opinion regarding the proposed salary, insurance cover and other terms of employment that will be offered.

A decision rendered by the Swedish Migration Board may, in certain cases, be appealed to the Migration Court. A decision rendered by the Migration Court may under certain circumstances, be appealed to the Migration Court of Appeal.

Inspection and admission of travelers is conducted by the Customs and Border Police at Swedish ports of entry and pre-flight inspection posts. Investigations and enforcement actions involving employers and foreign nationals are handled by the Swedish Police.

The Swedish regulation concerning immigration and foreign nationals in Sweden is principally found in the Aliens Act (2005:716) and the Aliens Ordinance (2006:97).

Current Trends

The immigration policies in Sweden are influenced by EC-regulations. Currently, the first and foremost issue on EU level is the determination of which nationals require work permits to enter into the Schengen area.

One of the main objectives of the Swedish government is to achieve harmonized immigration rules with the rest of the EC area. Furthermore, the Swedish government considers that immigration contributes to vitalizing the Swedish labor market and the economy through the knowledge and the experiences the immigrants bring with them. Hence, the Swedish government has implemented new rules to simplify the influx of foreign labor, (*i.e.*, citizens of Non EU/EEA member states) into the Swedish labor market.

The new rules entail, *inter alia*, that it is the employer's assessment of its need to employ a foreign person that normally shall be the basis for the processing of an application for a work permit. Furthermore, the validity of a work permit as well as the possibilities of obtaining a work permit has been extended. The new rules became effective as of December 15, 2008.

Business Travel

Visa

A visa is a permit which is required to enter and/or remain in Sweden and the other Schengen countries for a limited period of time. A visa granted by any of the Schengen countries is valid throughout the Schengen area. However, in exceptional cases the visa may be limited

for entry merely to the issuing country or certain countries and this applies primarily if the holder's passport is not approved by all Schengen countries.

A visa is usually granted for a stay in the Schengen states for a maximum period of three months during a six months' period. This entails that a person who has stayed in any of the Schengen states during 3 months cannot be granted a new visa until the six months' period has elapsed. Nor is it possible to extend a visa permit. However, provided that special circumstances are at hand, a visa may be granted for up to one year.

Special circumstances may, *inter alia*, be at hand if a person needs to travel to Sweden several times during a year for business purposes or needs to visit children in Sweden. If special circumstances are at hand, it is possible to extend a visa. Such reasons are force majeure, humanitarian grounds or personal reasons, such as medical treatment and business visits. A visa may be granted for a number of reasons, *e.g.*, visiting friends and/or relatives, business or conference visits and visits for medical treatment.

The requirements for a visa may vary from time to time and between the different Schengen states. Up-to date information regarding the requirements may be found at the website of the Swedish embassies and consulates: www.swedenabroad.com.

The principle prerequisite is that the person applying for a visa has the intention to leave Sweden after the visit and that the purpose of the visit is the one specified in the application. Moreover, the person must have a passport that is valid for at least three months after the expiry of the visa. Another condition is that the person applying for a visa must have the monetary means to support him or herself during the stay and the journey back to the home country. The Swedish authorities have established that a person should have approximately €40 (2010) for each day during the stay. A person must also present

proof that they have a medical travel insurance which covers any cost that may arise in conjunction with emergency medical assistance, emergency hospital care and transport to the home country due to medical circumstances. The insurance should cover costs of at least EUR 3,000 (2010) and be valid in all of the Schengen countries.

In case a person applies for a visa for business or conference purposes, the applicant shall submit an invitation letter from the company or the person arranging the stay in Sweden. The invitation letter should, *inter alia*, contain the following information: the invitee's personal details; the reason for the visit to Sweden; the duration of the stay in Sweden, and the person responsible for the invitee's support during the duration of the stay in Sweden.

Visa Waiver

Most non EU/EEA citizens are required to hold a visa before entering into Sweden. However, citizens of the following countries are currently exempted from the visa requirement: Andorra; Argentina; Australia; Brazil; Brunei Darussalam; Bulgaria; Canada; Chile; Costa Rica; Croatia; El Salvador; Guatemala; Holy See (State of the Vatican); Honduras; Israel; Japan; Malaysia; Mexico; Monaco; New Zealand; Nicaragua; Panama; Paraguay; Romania; San Marino; Singapore; South Korea; United States of America, Uruguay and Venezuela.

Employment Assignments

EU/EEA Nationals

An EU/EEA national who is, *inter alia*, an employee; a self-employed person; a provider or recipient of services; a student, or a person who has sufficient funds to support him or herself is entitled to reside in Sweden. This entails that such persons and their family members have a right to stay, live and work in Sweden for more than three

months without a residence or work permit. However, should the stay in Sweden exceed three months, the EU/EEA national shall normally register with the Swedish Migration Board no later than three months after entering into Sweden. Citizens of Switzerland and their family members are not required to apply for a work permit but must apply for a residence permit. Nordic citizens do not need to register or hold a residence permit.

To register with the Swedish Migration Board, the EU/EEA national must file a special application form and enclose certified copies of a valid passport or a valid national identity card where the holder's nationality is stated. Furthermore, certain documents indicating that the person has a right to reside in Sweden shall be enclosed to the application. The documents required are dependent upon which ground the person is claiming as a right to reside under. The following applies for employees and self-employed persons.

Employees

EU/EEA nationals employed in Sweden must, *inter alia*, present a certificate of employment stating the period of employment and the form of employment. The certificate must be written and signed by the employer. It is recommended that a special form provided by the Swedish Migration Board is used for this purpose.

Self-employed Persons

As to self-employed persons, the following documents shall be affixed to the application: a registration certificate for the company and/or a notice of tax assessment for self-employed persons, so called F-tax certificate (Sw. *F-skattsedel*). Usually, further documentations are required and such documents may, *inter alia*, be: marketing plan for the company; lease agreement for the premises necessary; proof of previous experience and/or expertise within company's field of

business; invoice from the company; receipts and/or invoices for materials purchased for the business; and VAT accounts.

Registration Procedure

The application may be sent by mail to the Swedish Migration Board or handed in by the person applying to one of the permit units of the Swedish Migration Board. Furthermore, employees may register directly on the Swedish Migration Board's website:

www.migrationsverket.se.

Non-EU/EEA Nationals

Non-EU/EEA nationals and non-Swiss nationals who want to live and work in Sweden need to be granted a work permit. Provided that the duration of their stay in Sweden exceeds three months, a residence permit is also required. Furthermore, some foreign nationals must also hold a visa to enter into Sweden. The requirement to obtain a work and residence permit and a visa applies irrespectively of if the employee is employed by a Swedish company or not. The permits shall normally be entered into the person's passport before they arrive to Sweden.

Exemption from the Work Permit Requirement

There are a number of exemptions from the requirement to hold a work permit. This applies to certain large categories of people, such as EU/EEA citizens. In these cases, the exemptions apply to all types of work. There are also exemptions for certain professional categories that only plan to work for a short period of time in Sweden.

Specialists in an international group who are working temporarily in Sweden for the group (in total less than one year) and employees employed by an international group that will undergo practical training, on-the-job training or other in-service training at a company in Sweden which is part of the group (in total a maximum of three

months during a twelve-month period) are examples of certain professional categories who are exempted from the work permit requirement.

Advertisement of the Employment

Swedish, Swiss and EU/EEA nationals have preference over other nationals to obtain work in Sweden. For new recruitments, an employer shall make it possible for residents of the above mentioned nationals to apply for the vacant employment. The easiest way for an employer to do so is to advertise the employment with the Public Employment Service (*Sw. Arbetsförmedlingen*). The vacant employment will then also be accessible in EURES (The European Job Mobility Portal).

Requirements for Work Permit

In order to be granted a work permit, the following requirements applies: there must be an offer of employment from an employer in Sweden; the employee must have a valid passport; the employee must earn enough from the employment to support him or herself; the terms of employment have to be equivalent to those provided by a Swedish collective agreement or to customary terms and conditions for the occupation or industry; the relevant union has to be given the opportunity to state an opinion on the terms and conditions of employment and the vacant position must, in case of new recruitment, have been advertised in Sweden and the EU. Family members may be granted a residence permit for the same duration as the term that the residence and work permits is granted.

Application Procedure

As a main rule, a person shall apply for a work permit from the country where he or she resides. Before entering Sweden, the permit shall have been granted and the permit sticker shall have been affixed

to the passport. However, in certain cases, an employee may apply for a work permit in Sweden. This applies, *inter alia*, if a student with a student residence permit has completed at least thirty higher education credits or one semester/term of postgraduate education from inside Sweden; or if a job applicant, visiting an employer, has received an offer of employment and there is a special need to begin the work immediately.

If application is made from outside of Sweden, it can either be done electronically on the Migration Board's website www.migrationsverket.se or at a Swedish mission abroad (embassy or consulate) in the country of residence. An application made from Sweden can be filed electronically on the Migration Board's website, by mail to the Migration Board or at any Migration Board Permit Unit. A copy of the passport, offer of employment and receipt showing that the application fee is paid must be attached to the application.

Validity of a Work Permit

If the employment is temporary, the employee may be granted a residence and work permit valid for the period of employment and for a maximum period of two years at the time. The initial work permit may be extended one or numerous times. However, the period of validity for the work permit may not exceed four years in aggregate. After forty-eight months, the employee will be eligible for a permanent residence permit. The Migration Board may withdraw the work and residence permit if a person loses his or her employment and provided that the person has not found a new employment within three months after the expiration of the previous employment.

In certain cases, a new application for a work permit must be submitted. The first two years, the residence and work permit is restricted to a specific employer and a specific occupation. If a change of employer is made during the first two years, a new work

permit is required. If a residence and work permit is extended after two years, the permits will be restricted only to a specific occupation.

Self-employed Persons

In order to stay in Sweden for more than three months, to start a company or enter into a company partnership, a residence permit is required. A self-employed do however not need a work permit.

To obtain a residence permit for a self-employed person in Sweden, the person is required to present, *inter alia*; proof that the ownership is at least fifty percent of a company; provide a commercial evaluation in order to establish that the business plans are realistic and that the business can be expected to achieve satisfactory profitability; provide documentary evidence of necessary capital to establish or purchase a company; proof of ability to support him or herself and his or her family during the first two years; supply detailed documentation of the business plans as well as a market forecast, a profit and liquidity budget and a balance sheet and provide details of customer references, banking connections, as well as former experience in the business. Moreover, a contract for business premises and a contract with customers or suppliers must be enclosed to the application.