COUNTRY FACTSHEET* – Smuggling of migrants



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LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

SWEDEN

Last update 31/10/2023

GENERAL INFORMATION ON MIGRATION

MAIN FIGURES AND TRENDS

In 2023 (week 43) so far 10,589 people have applied for asylum in Sweden. Compared to 2022, this is a decrease with -26 percent. The top countries of origin are: Afghanistan, Iraq, Syria, Uzbekistan and Iran. Regarding Ukraine displacement, in 2023 (week 43) 10,062 people have applied for the Temporary Protection Directive (TPD) in Sweden. The number of active TPDs as of 31 October 2023 was 39,037.

MIGRATORY ROUTES

[No information provided under this section]



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INSTITUTIONAL ORGANISATION

The **Swedish Police Authority** is the responsible institutional organisation when it comes to the task of preventing and detecting cross border crime such as migrant smuggling. While the Police Authority as a whole has the task to work against different forms of cross border crime the matter of migrant smuggling falls primarily on the responsibility of the Border Police. They are the ones who in their daily work and intelligence gathering come in to contact with it as part of their role in performing border checks. The Swedish Police Authority are divided in to seven different regions, each representing a specific part of the country and each with their own Border Police unit or section. On national level, there is a National border police unit belonging to the National Operations Department (Noa) which are responsible for issues such as legal interpretation and guidance as well as international cooperation.

LEGISLATIVE FRAMEWORK

The Aliens Act (2005:716)

Chapter 20. Penalty provisions, etc.

Section 7

Any person who intentionally assists an alien to remain unlawfully in Sweden, a member state of the European Union, Iceland or Norway by hiding the alien or by some other such action shall, if the act has been committed for financial gain, be sentenced to imprisonment for not more than two years or, if there are mitigating circumstances, to a fine.

An attempt to commit an offence under this Section shall be adjudged according to the provisions of Chapter 23 of the Penal Code.

Section 8

Any person who intentionally assists an alien to unlawfully enter or pass through Sweden, a member state of the European Union or Iceland or Norway shall be sentenced for human smuggling to imprisonment for not more than two years.

If the offence is to be regarded as gross, the sentence shall be imprisonment for gross human smuggling for not less than six months and not more than six years. In judging whether the offence is gross, special attention shall be paid to whether the act

1. was carried out in return for compensation,
2. was carried out as part of an activity that involved a large number of persons or
3. was carried out in forms that entail mortal danger for the alien or was otherwise carried out in ruthless forms.

If the offence is regarded as minor the sentence shall be a fine or imprisonment for not more than six months.

An attempt or preparation to commit an offence under this Section shall be adjudged according to the provisions of Chapter 23 of the Penal Code.

Section 9

Any person who, for financial gain, plans or organises activities designed to enable aliens to travel to Sweden without passports or the permits required for entry into Sweden shall



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be sentenced for organisation of human smuggling to imprisonment for not more than two years.

If the offence is gross the sentence shall be imprisonment for gross organisation of human smuggling for not less than six months and not more than six years. In judging whether the offence is gross, special attention shall be paid to whether the act involves the systematic exploitation of the vulnerable situation of aliens or involves mortal danger or other ruthlessness in relation to the aliens.

If the offence is regarded as minor the sentence shall be a fine or imprisonment for not more than six months.

Any person assisting an alien to travel to Sweden without a passport or the permits required for entry into Sweden shall be sentenced for complicity under paragraphs one to three. This provision is applicable if the accomplice realised or had fair reason to assume that the journey was organised for financial gain through a said activity.

Section 10. Forfeiture

Payment made to any person who has committed an offence under Section 7, 8 or 9 shall be declared forfeit. The same applies to other proceeds from such an offence. Anything that any person has accepted in reimbursement of costs in connection with such an offence or the value of what has been accepted shall be declared forfeit if acceptance is an offence under this Act and the penalty prescribed for the offence is imprisonment for more than one year.

Means of transport that have been used or were intended to be used in connection with an offence referred to in Section 7, 8 or 9 may be declared forfeit if the offence has been completed or the conduct is a punishable attempt or a punishable preparation, if the owner or commander or some other person who was acting for the owner committed the act or was complicit in it and the forfeiture is necessary to prevent crime or if there are some other special grounds.

Over and above what is said in the second paragraph, property that has been used to aid an offence referred to in Section 7, 8 or 9 may be declared forfeit, if this is necessary to prevent crime or if there are some other special grounds. The same provision applies if the property has been intended for use to aid such an offence and the offence was completed or if the conduct constituted a punishable attempt or a punishable preparation.

Forfeiture under the first, second and third paragraphs is not permitted if it is clearly unreasonable.

Section 11

If the owner of a ship that can be forfeited under Section 10, second paragraph is not known or does not have a known domicile in Sweden, an action for forfeiture may be brought against the commander of the ship.

JUDICIAL FRAMEWORK

Investigations in smaller cases are usually handled by the police. However when coercive measures are needed a prosecutor will be in charge of the investigation. Cases requiring more extensive international cooperation are handled by specialised prosecutors from the National Unit against Organised Crime specialised in international judicial cooperation.



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INTERNATIONAL COOPERATION

The Swedish police Authority is part of the cooperation around the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and regulary participates in operations. Intelligence gathering and sharing, and other forms of cooperation also takes place on a regular basis on bilateral level when needed. Liasion officers play an important part in the cooperation with both Member States and third countries and the Police Authority is continuously analysing where the placing of liaison officers would be most beneficial and several projects and negotiations are ongoing.

RELEVANT CASES

The majority of the cases in Sweden are quite limited and have not led to international cooperation. However there are exceptions.

- In a recent case from the Court of Appeal in Skåne and Blekinge from the 31st of July 2023, case B2334-22 a person, RN, was sentenced to prison 2 years and 6 months for aggrevated smuggling of human beings. RN had on 12 different occasions travelled to Sweden and smuggled altogether 47 persons. He had received compensation for this that covered the costs and rendered some profit. The most important evidence was information from the ferry company and evidence from Telegram where RN had posted ads for his business. The information from Telegram was accessed with the help of the smuggled persons in the case. International cooperation was needed in the case in order to establish whether the persons involved had visas to other Schengen countries. this was arranged through the Police and Europol.

- In a case from 2021 a person, HO, was sentenced to prison 2 years for aggravated smuggling of human beings. HO had on 6 different occasions organised for person to travel to or through Sweden and planned for more. HO used Swedish look-alike passports. The evidence consisted of chat-conversations, information received from a German investigation (EIO), bank information, information from airlines etc.

- In another case from 2021 a person HM was sentenced to prison 1 years and 9 months for aggrevated smuggling of human beings regarding 8 persons and organising smuggling of human beings for a period of 2 years and 5 months. HM used forged passports. The evidence consisted mainly of a lot information from HMs telephone and from witness statements. There was some judicial cooperation with Greece in the case in order to sort out the profits of the crimes (EIO, European Investigation Order).

There are also some cases concerning more organised smuggling of human beings where Swedish authorities assisted in cases from e.g. Germany and Finland.



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- Recently there was also a case from the Court of Appeal in Skåne and Blekinge (2022-12-13, B2037-22). A person took a taxi from Denmark to Sweden. In the taxi he brought a person knowing that this person had no permission to enter Sweden. Information received from the seized cell phones showed that the trip was planned but there was no evidence to support that the smuggler had received any compensation for this. The Supreme Court has stated earlier that as a rule, the crime of human smuggling should be considered minor if nothing else is proven than that the smuggling is a one-off occurrence, concerns no more than a couple of foreingers, takes place without compensation and there ar no circumstances that speak for a different assessment. The penalty in all of these cases was set to a fine. However in this case the crime was considered to be smuggling of human beings of the normal degree since there had been some planning. The smuggler was sentenced to a conditional sentence combined with a fine.