Information about the senior secondary school law - in brief

This leaflet applies only to unaccompanied young persons who were rejected as asylum seekers and were considered adults when they received their first decision. Update: The Migration Court of Appeal has handed down judgements on two cases concerning the "new high school law". Two migration courts had refused applications for residence permits based on high school studies, claiming that a part of the law could not be applied. Both cases were appealed. Now the Migration Court of Appeal has established that the law can be applied and that the matter does not need to be submitted to the European Court of Justice.

If the law applies to you fully as it is described below, don't miss the chance to apply before September 30! For more information and questions: www.farr.se, info@farr.se

Since 1 July, if you applied for asylum as an unaccompanied child, but were rejected you now have another chance. You can apply for a residence permit to attend senior secondary school or vocational education. You need not have started studying already as it is enough to want to study. But everyone is not included in this possibility. All the requirements below must be fulfilled.

Check if you can qualify for a residence permit under the new law:

- You must have been registered as an asylum seeker **by November 24, 2015 at the latest**. If you were first registered by the social services or the police, that day may count. But it only works if the Migration Agency knows about it. Read the Stockholm Stadsmission material on how to do this: www.farr.se/gymnasielagen_manual.

- You should have been **registered as an unaccompanied child** and placed in accommodation for unaccompanied children or a family home when you applied for asylum. If your age was changed when you came to Sweden and you were placed as an adult but you got your correct age accepted later showing you were a child then you can also be included.

- You must have **received your first decision from the Migration Agency at least fifteen months after the application was registered**. It is the date at the top of the written decision that counts, not when you were informed of it. Months are months, not 15x30 days.

- You must have **received your first decision from the Migration Agency at the earliest on July 20, 2016**.

- You must **be 18 when you received your first decision OR had your age adjusted to 18 at the latest when the decision was made**.

- You **must be in Sweden when you apply** and while you are waiting for a decision. It does not matter if you have been away from Sweden, but you must have returned.

- You are **must study at senior secondary school or want to study at senior secondary school**. If you do not go to senior secondary school already, you must have gone to school sometime earlier in Sweden. It is enough with junior secondary school. You do not have to prove that you want to study. However, if you do not go to school, the residence permit may be withdrawn later. You also need to study actively to get renewed permission.

- You **should not have committed a crime**. It is just crimes for which you are convicted of that count, or such activities that may be a threat to Sweden. We believe it is possible for a person who has only committed a minor offence and after that behaved well can get a residence permit.

- You should have **tried to prove your identity likely**. Most of you do not need to do anything about this. You have already done what you can to try to show that your personal information is correct. However, if you have used different names or shown different ID documents or if you know that the Migration Agency believes that you have not even tried to "prove your identity likely" then you may need to try to show a document to prove who you are.

If you meet all the conditions, you will be granted a residence permit for 13 months. Then the permit can be extended, possibly for the entire school period. Read about extensions here: www.farr.se/gymnasielagen.

What to do
Here you can find the Migration Board's information and download the form to apply: https://www.migrationsverket.se/Privatpersoner/Skydd-och-Asyl-i-Sverige/Uppehallstillstand-for-gymnasiestudier/Nya-gymnasielagen-1-juli-till-30-september.html

The form must be used even if you are still waiting for a response from the Migration Court or the Migration
Supreme Court. Addresses for where to send your application are on the form. Together with the application, you should submit your individual study plan from the school if you are already in senior secondary school. If you do not attend senior secondary school, you should send something indicating that you have attended school earlier, such as a previous study plan, certificate of school attendance or grade.

If you need to submit some new attachments, make it an addition, not a new application. If you have intended to show any document about your identity that the Migration Agency does not already have, you can send a copy of it. But do not stop yourself from applying just because you have nothing new to present. If you have a final rejection, you can also send a request for a stay in the expulsion order (inhibition), requesting that your expulsion be stopped while your case is examined.

Earlier it has been the case that expulsion decisions were automatically suspended temporarily when someone applied for a residence permit because of studies. This rule has been removed from July 1. Instead, the Swedish Migration Agency may decide to stay the expulsion order while the application is being processed.

If the Migration Agency decides to stay the expulsion, you will get a message about this after you have sent the application. If you don’t get money from the Migration Agency, you can show the message on "inhibition" to the social service where you live and ask for support while waiting for decision about residence permit.

You can only submit one application and it must be done between 1 July and 30 September this year. If you send the application by email, save a copy. If you submit the application by post, you can pay to register the letter and get a receipt. Another way to be sure is to go to the Swedish Migration Agency office and submit the form there. If you get a negative decision, you have the right to appeal.

How is the application processed?
• If you have not received your first decision, the Swedish Migration Agency will first look at the asylum grounds and then consider your application for studying at upper secondary school rules if they plan to refuse your asylum application.
• If you are waiting for court decisions, you do not need to withdraw your appeal. The asylum grounds will be reviewed first and secondary school rules afterwards.
• If you have a final rejection, the application will be processed immediately. You do not have to withdraw the application for hindrances to enforcement (VUT) if you have made one. If you are refused a permit based on the upper secondary school rules, then your VUT application will be examined.

What type of school can you go to?
The following are considered secondary school: upper secondary school,(gymnasieskolan) upper secondary school for those with learning disabilities,(gymnasiesärskolan) adult education courses( komvux) adult education for those with learning disabilities (särvä) and folk high schools are included. For senior secondary school both introductory programs and national programs are included. In komvux and folkhögskolan, only upper secondary education programs are counted, not programs at junior secondary level. But it is also possible to apply for cohesive vocational education within komvux. If you are a student at the introductory program, you can proceed to a national program or other education later if you are under 25. But if you have chosen a vocational line, you cannot change your mind. After national programs or vocational education, you have six months to apply for a job.

As an asylum seeker or an undocumented person, you are not entitled to start a program in senior secondary school after you reach 18. However, if you are granted a residence permit to go to senior secondary school, you are no longer an asylum seeker. Then you have the right to start a program until the spring term the year you become 20, and then complete the program. If you need to start a program after that age, for example, after you have finished language introduction, you must apply to komvux or folk high school unless the municipality where you live allows 20-year-olds to study at senior secondary school.

Do you have more questions? Check if you can find answers here: www.farr.se/gymnasielagen_faq Read more about the secondary school law and all the rules here: www.farr.se/gymnasielagen Manual for support persons regarding applications: www.farr.se/gymnasielagen_manual Download background material: http://sweref.org/ny-mojlighet-till-uppehallsstillstand/

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