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# Is there Consistency in Evaluation of Sexual Orientation and Gender Identity/Expression Asylum Seeker Cases?

## Technical Report

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# Abstract

Sexual orientation and gender identity/expression minorities are persecuted in close to 70 countries in the world. Some of them arrive in other countries seeking refuge. The much-needed research into their experiences and patterns have to date been qualitative in nature rendering generalisations difficult. This is the motivation for the research conducted in this project “Is there consistency in evaluation of Sexual Orientation and Gender Identity asylum seeker cases?” led by Thomas Wimark, Department of Human Geography at Uppsala University.

This technical report outlines the methods and approach of the project. It entails the information about the coding procedure and the created variables derived from asylum decisions which form the basis for analysis in the research project. The project was funded by the Swedish Research Council for Health, Working Life and Welfare (*FORTE: Forskningsrådet för hälsa, arbetsliv of välfärd*), grant number: GD-2021/0028. The project was given ethical approval by the Swedish Ethical Review Authority (Etikprövningsmyndigheten), Dnr 2021-06258-01 and Dnr 2022-04063-02.

Keywords: asylum decision, refugee, SOGIE, LGBTQ, quantification, credibility assessment, Sweden



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# Abbreviations

CARES	Consistency in Asylum and Refugee Evaluation Systems
SMA	The Swedish Migration Agency
SOGIE	Sexual orientation and gender identity/expression
LGBTQIA	Lesbian, gay, bisexual, transgender, queer, intersex, asexual





# 1. Introduction

Consensual same-sex relations among adults remain criminalized in nearly 70 countries worldwide and in nine countries laws to target transgender and gender nonconforming individuals exists (Human Rights Watch, 2023). This legal landscape underlines the inescapable threat of persecution, violence, and human rights violations faced by individuals based on their sexual orientation and/or gender identity and expression (SOGIE). Many of these individuals take flight and seek refuge in other countries becoming asylum seekers in countries such as Sweden. Yet, the lack of demographic data and official statistics from migration authorities limits our understanding of the SOGIE asylum-seeking population (Danisi et al., 2021; García Rodríguez, 2023; Shaw et al., 2022; Shaw & Verghese, Namrata, 2022). Creating and analysing representative data for the SOGIE population has the potential to unravel patterns and relationships needed for developing more inclusive and systematic approaches to studying and supporting SOGIE asylum seekers. Moreover, creating individual level data allows for illuminating ingroup differences that can be overshadowed on a group level.

In this research project “Is there consistency in evaluation of Sexual Orientation and Gender Identity asylum seeker cases?” led by Thomas Wimark, Department of Human Geography at Uppsala University, the aim has been to tackle these challenges. This technical report entails crucial information about the coding process and the variables derived from asylum decisions that form the core of the research project data. These are then used in subsequent research articles. We wish to highlight that the population in question is small which means that minor errors in coding can have great impact of the overall conclusions. This is why a precise coding and correct data is of utmost importance.

The project was funded by the Swedish Research Council for Health, Working Life and Welfare (FORTE: Forskningsrådet för hälsa, arbetsliv och välfärd), grant number: GD-2021/0028. The project was given ethical approval by the Swedish Ethical Review Authority (Etikprövningsmyndigheten), Dnr 2021-06258-01 and Dnr 2022-04063-02.

The project aims were to ascertain whether systematic patterns and regularities in asylum decision outcomes could be identified in the credibility assessments of sexual orientation and gender identity/expression (SOGIE) asylum cases, and if they were consistent with other asylum cases. In order to

achieve this, the project aimed to: (1) construct and analyze a representative database of SOGIE asylum decisions for their consistency; and (2) evaluate the practice and procedure of asylum interviews by benchmarking current protocols alongside adaptive and participant-oriented approaches developed with vulnerable participants.

This technical report forms the first step of achieving the aim to construct a dataset of first instance asylum decisions taken by the Swedish Migration Agency (SMA). In order to do so, we constructed a coding process in which we created variables out of written text that can be used in statistical analysis. Below, we elaborate of the nature of the data and the coding process. All translations of documents and decisions from Swedish to English are made by the authors.

## 2. Data and Sampling

The data drawn from is based on a representative sample, named CARES sample, of all adults that had received a first instance (*förstautgångsbeslut*) asylum decision of year 2020 by the Swedish Migrations Agency. In year 2020, a total of 15.478 adult asylum applicants were decided by the SMA of which 1.263 were Dublin cases and 1.591 were retracted/deregistered (*Övriga ansökningar Migrationsverket ej prövat i sak*). Dublin cases refers to cases that are re-referred to another European Union (EU) country with reference to the Dublin regulation. The regulation is an EU law that determines which EU Member State is responsible for the examination of an application for asylum, submitted by persons seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union (Regulation 604/2013). The sample was drawn after Dublin cases and retracted/deregistered were removed. This means that the sample was drawn from a total individual population of 12.624 adult asylum seekers that had received a first instance asylum decision. The grant rate was 24,8% of the population (*beviljandegrad*), i.e. the proportion of granted adults after Dublin and retracted/written off cases were excluded.

In Table 1, we show the nature of the CARES sample. The sample contains 3.588 randomized individuals' decisions which represent 28,4 % of the total adult population of asylum seekers that had received a first instance decision in year 2020. The data set includes all types of approvals; refugee status determination in accordance with the Refugee Convention (1951, 1967), subsidiary protection in accordance with the European convention and particularly/especially distressing circumstances in relation to the Swedish Aliens Act. It also includes all the rejections and other approvals, e.g., approvals based on temporary residence permit due to impediments to enforcement or family reasons. Note that the initial sample received from the SMA contained 3.600 randomized individuals' decisions but out of these twelve decisions were detected as wrongly coded by the SMA. Out of the twelve wrongly coded decisions, one was a template, four concerned applications for moving to family or a relative in Sweden (*familjeanknytning*) and seven were retracted/deregistered. It should also be noted that seven of the decisions were incomplete, i.e. lacking asylum claims and credibility assessments. These were mainly deported back from the migration courts.

Table 1. Basic statistics of the CARES sample of adult applicants with first time asylum decisions.

	CARES SAMPLE	SMA TOTAL ADULTS
<b>MEN</b>	2.179	7.660
<b>WOMEN</b>	1.409	4.964
<b>GRANT RATE</b>	25 %	25 %
- <b>MEN</b>	21 %	20 %
- <b>WOMEN</b>	33 %	33 %
<b>TOTAL</b>	3.588	12.624

Source: Swedish Migration Agency, authors' calculations.

Our design of drawing individuals' decisions rather than individual decisions, i.e. individuals rather than case applications, is important to highlight as it enables us to conduct individual level analysis, such as adding gender and age to a statistical model. Statistical offices in the EU also tend to present overall statistics on individual level, e.g., Eurostat and SMA. However, individuals often are part of a family with several adults. A family can, for example, consist of two parents and adult children or of more than two spouses, as in polygamous families or families with several adult "children". Claims, credibility assessments and outcomes are often difficult to distinguish between individuals in families as they are the same. Many studies of asylum outcomes therefore focus on cases rather than individuals (and make use of non-random samples), i.e. one claim per family (e.g., see Baade & Götz, 2023; Emeriau, 2021; Katsikouli et al, 2022; Keith & Holmes, 2009; Keith, Holmes & Miller, 2013; Kosyakova & Brücker, 2020; Rehaag, 2023). Our design of drawing a random selection of *individuals* could lead to *case* bias in the analysis of *case* outcomes as individuals part of more-than-one-adult families seeking asylum would have at least twice the likelihood of being chosen to the sample. Further complicating the matter is the fact that each individual in more-than-one-adult families could have *different* asylum claims.

In order to solve this, we coded individuals rather than decisions. When drawing an individual with a decision, the actual decision text contain claims, credibility assessments and outcomes of several individuals if it concerns a family seeking asylum. In order to make sure that no claims would have higher likelihood of being chosen, we only coded the claims, credibility assessments and outcomes of individual drawn in question and not all individuals in the application, unless more than one individual was drawn. This means that no claims or assessments would be present twice in the sample and, thus, no case bias is present. A code indicating the individual drawn to the sample was present in the delivered decisions, which made it possible for us to determine which individual to code. In order to account for a possible *decision* bias in a later analysis of outcomes, i.e. that one individual was granted refugee status despite having no individual refugee status claims, we chose to add a variable

called “derivative right” that would indicate if a decision outcome was granted on other family members claims and assessments.

In decisions with more than one adult, each adult individual could be drawn to the sample. If more than one individual was drawn from a decision, both were coded for their individual claims and assessments according to the same logic. If both had individual refugee status claims, their individual assessment and outcome would be coded independently. This means that we have excluded adult individuals and underage children present in decisions but not drawn to the sample. As stated above, the variable “derivative right” indicates if the applicant was granted asylum based on someone else in the family, including children. For example, in one asylum decision an adult individual reported that her son was homosexual. In this case we did not classify her asylum claim according to the refugee convention but instead subsidiary protection.

In the coding process, we also identified a number of asylum decisions in which the decision outcome was depending on derivative rights and not the claims and assessments of the applicant in the application. Derivative right refers to the practice of keeping a family unified and means that an individual is granted or rejected asylum based on a “master” asylum claim of a family member. This means that these asylum decisions were not granted asylum based on a credibility assessment present in the decision. Also, these were coded under the variable “family claims”.

In Table 2, we present the 30 most common countries of origin among all adult applicants with first time decisions. We also present the corresponding numbers for the CARES sample. It also presents the grant rate. As our sample contain very few individuals from some countries, the grant rate should be taken with a pinch of salt.

Table 2. The 30 most common countries of origin among adult asylum applicants compared with the CARES sample, first time applications 2020.

COUNTRY	CARES	SMA	CARES	SMA	CARES	SMA
	Number	Number	Percentage	Percentage	Grant rate	Grant rate
<b>SYRIEN</b>	345	1.233	10 %	10 %	67 %	70 %
<b>UZBEKISTAN</b>	319	1.074	9 %	9 %	1 %	2 %
<b>IRAN</b>	219	799	6 %	6 %	34 %	33 %
<b>IRAK</b>	241	766	7 %	6 %	19 %	19 %
<b>TURKIET</b>	148	502	4 %	4 %	62 %	51 %
<b>AFGHANISTAN</b>	163	471	5 %	4 %	37 %	42 %
<b>UKRAINA</b>	108	424	3 %	3 %	0 %	1 %
<b>ERITREA</b>	115	420	3 %	3 %	76 %	73 %
<b>PALESTINA</b>	122	415	3 %	3 %	23 %	19 %

<b>SOMALIA</b>	107	410	3 %	3 %	41 %	33 %
<b>STATSLÖS</b>	101	409	3 %	3 %	36 %	38 %
<b>GEORGIEN</b>	101	318	3 %	3 %	0 %	0 %
<b>ETIOPIEN</b>	78	293	2 %	2 %	19 %	13 %
<b>PAKISTAN</b>	78	253	2 %	2 %	10 %	12 %
<b>MONGOLIET</b>	60	239	2 %	2 %	2 %	2 %
<b>EGYPTEN</b>	70	232	2 %	2 %	10 %	8 %
<b>COLOMBIA</b>	52	215	1 %	2 %	2 %	3 %
<b>NIGERIA</b>	58	212	2 %	2 %	16 %	15 %
<b>BANGLADESH</b>	58	207	2 %	2 %	10 %	7 %
<b>NICARAGUA</b>	57	206	2 %	2 %	12 %	12 %
<b>ALBANIEN</b>	47	190	1 %	2 %	2 %	2 %
<b>RYSSLAND</b>	48	189	1 %	2 %	25 %	23 %
<b>AZERBAJDZJAN</b>	55	186	2 %	2 %	18 %	13 %
<b>KAZAKSTAN</b>	51	182	1 %	1 %	0 %	3 %
<b>JEMEN</b>	45	153	1 %	1 %	100 %	97 %
<b>KAMERUN</b>	42	152	1 %	1 %	14 %	22 %
<b>LIBANON</b>	34	133	1 %	1 %	3 %	9 %
<b>UGANDA</b>	37	121	1 %	1 %	32 %	44 %
<b>EL SALVADOR</b>	38	117	1 %	1 %	5 %	7 %
<b>JORDANIEN</b>	39	114	1 %	1 %	15 %	7 %
<b>KIRGIZISTAN</b>	30	114	1 %	1 %	7 %	7 %
<b>VENEZUELA</b>	22	109	1 %	1 %	14 %	10 %
<b>MAROCKO</b>	28	103	1 %	1 %	14 %	13 %
<b>PERU</b>	31	93	1 %	1 %	0 %	1 %
<b>INDIEN</b>	22	88	1 %	1 %	0 %	0 %
<b>SUDAN</b>	21	83	1 %	1 %	33 %	25 %
<b>GAMBIA</b>	25	82	1 %	1 %	4 %	9 %
<b>TADZJIKISTAN</b>	20	79	1 %	1 %	15 %	6 %
<b>ARMENIEN</b>	22	77	1 %	1 %	5 %	6 %
<b>SERBIEN</b>	23	66	1 %	1 %	0 %	0 %
...						
<b>TOTAL</b>	3.588	12.624	95 %	96 %	25,4 %	24,8 %

Source: Swedish Migration Agency, authors' calculations.

In Table 3, we present type of residence permit granted among adult asylum applicants. In this table, one can see that the grant rate in the sample corresponds reasonably well with the grant rate for the total adults who have applied for asylum in year 2020.

Table 3. Type of residence permit granted among adult asylum applicants compared to CARES sample, first time applications, 2020.

Residence permit	CARES sample		SMA total adults	
	Num-ber	Per-centage	Num-ber	Per-centage
<b>Refugee status</b> (Flyktingstatus)	579	63,4 %	1.910	61,3 %
<b>Subsidiary protection</b> (Alternativt skyddsbehövande)	218	23,9 %	807	25,9 %
<b>Particularly or especially distressing circumstances</b> (Särskilt eller synnerligen ömmande omständigheter)	4	0,4 %	19	0,6 %
<b>Other, for example temporary residence permit due to impediment to expulsion</b> (Övrigt, exempelvis tillfälligt uppehållstillstånd pga verkställighetshinder)	112	12,3 %	381	12,2 %
<b>Total</b>	913	100 %	3.117	100 %

Source: Swedish Migration Agency, authors' calculations.

Note: The statistics for all SMA adults is from the available statistics and does not match completely with our population. Our population from with the sample was drawn there were 3.135 granted adults but the official statistics only contain 3.117.

## 3. Method and Variables

In this chapter, we explain the coding procedure of the asylum decisions and give an overview of the variables created and codes used. We also present reliability measures demonstrating that the coding of variables has been consistent.

### 3.1. Data Overview

All asylum decisions were delivered in PDF format by the SMA. The size of the asylum decisions ranges from 7 kb to 554 kb and contains from 1 page to 21 pages text. All asylum decisions follow the same format and are divided into four sections:

- Preamble section,
- Section with information about the application (information section),
- Section containing the assessment by the SMA (assessment section), and
- Appendices.

Most of the information (text) in the decisions is distinct, for example in the preamble section information about the applicant (e.g., gender of applicant, birth date, country of origin), decision outcome (e.g., refugees status decision outcome, subsidiary protection outcome), and application specifics (e.g., case officer gender, handling unit, counsel gender) is present. Likewise, in the information section, information about the application (e.g., application submission date, arrival time in Sweden, submitted evidence) is present. The appendices section mainly contains citation and quotes from the Aliens Act, relevant for the specific decision.

It is important to stress that although much of this information seem clear-cut, they do not necessary reflect a “reality” nor do they represent “facts”. They are created and co-constructed between the applicant and the case officer, a process in which the case officer also has had the final say. Gender could serve as an example of such co-construction. The variable of gender is coded as a binary variable in legal terms which does not necessarily represent the gender identity or expression by the applicant. The applicant may define and express themselves in several ways but the SMA only reports gender in a



binary way as stated in identification documents. Another example of this co-construction is arrival time in Sweden. Sometimes the information is derived from official registers (e.g., border controls) and sometimes it is the stated information by the applicant.

Apart from this seemingly unambiguous information, *asylum claims* and *asylum narratives* stated by the applicants and *credibility assessments* conducted by the SMA are also present in the asylum decisions. Claims and narratives are not only co-constructed but they also differ from the above in that they involve a higher level of interpretation. Asylum claims are present both in the information section and in the assessment section. Asylum narratives and credibility assessments are present only in the assessment section.

### 3.2. Coding Schedule and Training

The coding schedule was developed by the researchers in cooperation with a reference group, consisting of representatives from the Swedish Migration Agency, academia, lawyers working as counsels and a LGBTQIA organization, in the following process:<sup>1</sup> The first preliminary schedule was developed by the researchers. It was then discussed in the reference group and changed so that it would better capture dimensions important for asylum adjudication. Subsequently, approximately 200 cases were test coded in order to determine if the schedule would work on the greater diversity of the asylum decisions. The main coder was then trained through weekly meetings in which definitions and queries were discussed and the main coder then coded all asylum decisions.

In order to assure a high inter-rater reliability, the project leader coded a random sample containing approximately 5 % of all decisions (180 decisions). The coding results were then compared using standard inter-rater reliability measures. The definitions of each variable as well as the inter-rater reliability tests are presented in the following sections. Note that for variables in which there was no differences between the coders, no measures are reported.

During the coding of all asylum decisions, we also identified all decisions with sexual orientation or gender identity/expression claims. For these decisions, we created an additional coding schedule in a similar process as above. A preliminary “SOGIE” schedule was presented to and discussed in the reference group together with the main coding schedule. It was then further developed by the researchers, based on a preliminary test coding of some of the

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<sup>1</sup> Reference group: Silas Alik (lawyer, Folkets advokatbyrå), Johannes Björhn (lawyer, Asylrättscentrum), Ann-Christin Cederborg (Professor, Stockholm University), Anna Lindblad (Deputy Head of Legal Affairs, Migrationsverket), Joakim Lundqvist (lawyer, Folkets advokatbyrå), Alexandra Politis Palm (lawyer, RFSU ungdom/Newcomers Youth), Siri Sandin (lawyer, Asylrättscentrum).

SOGIE asylum decisions. Then the main coder coded all asylum decisions. As before, we introduced the project leader as an inter-rater to highlight the inter-rater reliability. The inter-rater coded a random sample containing 20 % of the SOGIE asylum decisions (51 decisions).

### 3.3. Distinct Variables

As discussed at the beginning of this chapter, much of the information in the decisions is distinct. This means that much of the coding of text into variables from the preamble and the information section was straightforward. In this section, we list all variables created and their respective codes from the asylum decisions. Inter-rater reliability is reported for variables in which the coders coded differently.

#### 3.3.1. Individual Characteristics

**Year of birth (Födelseår) *Year\_of\_birth***

The variable shows the year of birth of the applicant as recorded by the SMA.

**Sex (Födelsekön) *Sex***

Sex according to passport or other identity document as recorded by the SMA.  
Code:

0 = man

1 = woman

**Country of origin (Ursprungsland) *CoO***

Country of origin according to citizenship or records as recorded by the SMA.

**Domicile of origin (Hemvist land) *Domicile\_country***

Country the applicant has as the domicile of origin as recorded by the SMA.  
Note that sometimes there are several countries recorded.

**Domicile of origin (Hemvist region/stad) *Domicile\_reg\_cit***

Specific mention of a region or city the applicant has as the domicile of origin by the SMA.

Code:

0 = no

1 = yes

**Family individual (Familjeindivid) *Family\_ind***

The decision concerns more than one adult. The variable does not indicate if there are children present in the family. Inter-rater reliability:  $\kappa = 0,979$  (95% CI, 0,938 to 1,000),  $p < .001$

Code:

0 = no

1 = yes

**Children (Barn) *Child\_dec***

The variable indicates if the decision includes children below the age of 18 as co-applicants along with the main applicant. It should be noted that the applicant can still have children but they are either over 18 or not part of the application. This means that this variable does not capture the existence of children in general.

Code:

0 = no

1 = yes

**Derivative right (Familjegrund) *Derivative\_right***

This variable refers to applications in which the decision outcome on refugee status is positive but is based on another family member's decision outcome (including childrens' decision outcomes), so called derivative rights.

Code:

0 = no

1 = yes

### 3.3.2. Case Specifics

**Unique ID (ID nummer) *Id***

Unique identification number for each individual

**Date of decision (Beslutsdatum) *Date\_decision***

The date of decision of application.

**Region of decision (Asylprövningsenhet region) *Region\_decision***

Region in which the decision was taken based on asylum deciding unit, see Appendix.

Code:

0 = North

1 = West

2 = South

**City of decision (Asylprövningsenhet stad) *City\_decision***

Municipality in which the decision was taken based on asylum deciding unit or equivalent unit, see Appendix.

**Not an asylum unit (Ej asylprövningsenhet) *Not\_asyl\_unit***

This variable indicates that the decision was not taken by an asylum unit.

**Sex of counsel (Offentligt biträde kön) *Counsel\_sex***

The sex of the counsel, interpreted through the name of the counsel. Inter-rater reliability:  $\kappa = 0,982$  (95% CI, 0,957 to 1,000),  $p < .001$

Code:

0 = man

1 = woman

2 = not possible to determine

3 = data is missing

**Work place counsel (Offentligt biträdes arbetsplats) *Counsel\_wp***

The municipality in which the counsel has their work place as registered by the SMA.

**Sex of decision maker (Beslutsfattareshet) *Decmaker\_sex***

The sex of the decision maker, interpreted through the name of the decision maker. Inter-rater reliability:  $\kappa = 0,970$  (95% CI, 0,937 to 1,000),  $p < .001$

Code:

0 = man

1 = woman

2 = not possible to determine

3 = data is missing

**Sex of rapporteur (Föredragandes kön) *Rapporteur\_sex***

The sex of the rapporteur, interpreted through the name of the rapporteur. Inter-rater reliability:  $\kappa = 0,977$  (95% CI, 0,946 to 1,000),  $p < .001$

Code:

0 = man

1 = woman

2 = not possible to determine

3 = data is missing

**Date of entry (Ankomstdatum till Sverige) *Date\_entry***

The date of latest entry to Sweden in relation to the submitted application as recorded by the SMA, short visits in other countries excluded. In decisions in which only the month was recorded; the first day of the month was coded. Some decisions lack data. In some cases, the date could be determined in other parts of the application.

**Date of application (Ansökningsdatum) *Date\_application***

Date of application for the current application. For re-referred applications, e.g., when re-referred by the migration courts, the original date of the application was recorded. In very few cases, the date of application was not recorded.

**Identity proven (Identitet styrkt) *id\_proven***

The identity of the applicant was considered proven (*styrkt*).

Code:

0 = no

1 = yes

### 3.3.3. Written Evidence

**Written evidence (Åberopad bevisning) *Wr\_evidence***

Written evidence handed in by the applicant or the counsel that are connecting directly to the asylum claims. The variable also indicates that the narrative presented by the applicant is the sole evidence present. Inter-rater reliability:  $\kappa = 0,989$  (95% CI, 0,967 to 1,000),  $p < .001$

Code:

0 = no

1 = yes

**Written evidence, number (Åberopad bevisning antal) *Wr\_evidence\_nr***

Number of written evidences handed in by the applicant or the counsel that are connecting directly to the asylum claims. For definition see “Written evidence”.

**Evidence added by SMA (Tillförd bevisning) *Evidence\_SMA***

Written evidence added by the SMA, e.g., certificate of authenticity and the Schengen Visa Information System. Pure translations are excluded.

Code:

0 = no

1 = yes

**Number of evidences added by SMA (Tillförd bevisning antal) *Evidence\_SMA***

Number of written evidences added by the SMA, e.g., certificate of authenticity. Pure translations are excluded.

**Number of country information (Landinformation antal) *Countryinfo\_nr***

Number of country information that are added by the applicant, counsel or the SMA.

**Lifos (Lifos)** *Lifos*

Country of origin information report from the SMAs own source Lifos has been added.

Code:

0 = no

1 = yes

**EASO (EASO)** *EASO*

Country of origin information report from the European asylum support office (EASO) has been added.

Code:

0 = no

1 = yes

**Landinfo (Landinfo)** *Landinfo*

Country of origin information report from the Norwegian UDI has been added.

Code:

0 = no

1 = yes

**HRW (HRW)** *HRW*

Country of origin information report from the Human Rights Watch world report (HRW) has been added.

Code:

0 = no

1 = yes

**Other Country information (Annan landinformation)** *Other\_countryinfo*

Other form of country of origin information has been added.

Code:

0 = no

1 = yes

**Identity documents (Identitetsuppgift)** *Id\_document*

Passport, birth certificate or other form of identification has been added by the applicant.

Code:

0 = no

1 = yes

**Number of identity documents (Identitetshandlingar)** *Id\_document\_nr*

Number of identity documents (Passport, birth certificate or other form of identification) that have been added by the applicant. In some cases, the SMA has regarded the identity as proven without the applicant needing to hand in

any identity documents in the present application. In these cases, we have considered the number of identity documents to be one despite the fact that no identity document has been added by the applicant.

### 3.3.4. Decision Outcomes

#### **Refugee status (Flyktingstatus) *Refugee\_status***

Decision about refugee status.

Code:

0 = rejection

1 = approval

#### **Subsidiary protection (Alternativ skyddsstatus) *Subsidiary\_prot***

Decision about subsidiary protection.

Code:

0 = rejection

1 = approval

#### **Especially/particularly distressing circumstances (Särskilt/synnerligen ömmande omständigheter) *Distress\_circ***

Decision about especially and/or particularly distressing circumstances.

Code:

0 = rejection

1 = approval

#### **Residence permit (Uppehålls- och arbetstillstånd) *Res\_permit***

Decision about residence permit and work permit.

Code:

0 = rejection

1 = approval

#### **Family affiliation (Familjeanknytning) *Fam\_affiliation***

Decision about residence permit based on family affiliation.

Code:

0 = rejection

1 = approval

#### **Impediment to expulsion (Verkställighetshinder) *Impediment\_exp***

Decision about impediment to expulsion, i.e. the application has been rejected but there is an impediment to expulsion.

Code:

0 = rejection

1 = approval

### **New asylum claim (Nytt asylskäl)** *New\_asyl\_claim*

The applicant has added another asylum ground to the current application, i.e., late in the application process, or has had a previous asylum application based on other asylum grounds and seeks again with new asylum grounds. This does not indicate new circumstances if they are not related to adding a new asylum ground.

Code:

0 = no

1 = yes

## **3.4. Refugee Status Claims and Subsidiary Protection Claims Variables**

Before turning to the asylum claims variables, we give some background to the legal setting in Sweden. Protection against refoulement in Swedish Aliens Act corresponds to the Geneva refugee convention (UN Nations 1951, 1967) and to the protection ground directive of the EU (Directive 2004/83/EC, Directive 2011/95/EU). In the Aliens Act (SFS 2005:716), 4th chapter 1 §, a *refugee* is defined based on the refugee convention. The law is, however, more extensive since it also stipulates that persecution based on gender and sexual orientation can be regarded as a separate ground from particular social group. Thus, **refugee status grounds** are based on a definition in which an individual has a “*well-founded fear of persecution because of race, nationality, religious or political opinion or because of gender, sexual orientation or other belonging to a particular social group*”. In the Aliens Act, 4th chapter 2 §, a person in need of subsidiary protection is defined based on the protection directive of the EU. Thus, **subsidiary protection status grounds** (alternativt skyddsbehövande) are based on a definition in which there are “*reasonable grounds for assuming that the alien, upon returning to his home country, would run the risk of being punished with death or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, or as a civilian run a serious and personal risk of being harmed due to indiscriminate violence due to an external or internal armed conflict*”.

At the time of the processing of the asylum decisions by the SMA in this study, the Aliens Act also stipulated two other grounds for residence that should not be considered protection grounds (without status declaration) but rather humanitarian: particularly distressing circumstances (synnerligen ömmande omständigheter) and especially distressing circumstances (särskilt ömmande omständigheter).

The challenge with coding asylum claims from asylum decisions is that case officers only sometimes state asylum claims in direct relation to the grounds in the law. Moreover, they sometimes “miss” claims that could fall



under the protection grounds. Previous studies, thus, tend to use purely inductive coding when creating variables relating the **asylum claims** (e.g., see Hedlund, Salomonsson & Sohlberg, 2021) or the codes deduced by the immigration authorities (e.g., see Rehaag, 2023).

Both of these procedures have drawbacks. The disadvantage with the former procedure is that the data is not easily comparable between studies or countries since it does not correspond to the grounds in the refugee convention nor the protection ground directive. It also hides the fact that there are differences between refugee status and subsidiary protection status. For example, in the Swedish Aliens Act, refugee status gives the right of a three-year residency while subsidiary protection status only awards the right of a 13 months residency. This has consequences for the asylum adjudication; all asylum assessments by the SMA begin with an assessment of claims that could form the basis of being granted refugee status. If the case officer finds that the asylum claims are not enough for being granted refugee status, an assessment follows of claims for subsidiary protection. Finally, if these claims are also deemed insufficient, a final assessment of claims for distressing circumstances follows. This is also how the asylum decisions are organized in the assessment section. The disadvantage with the latter procedure of using codes from the immigration authorities is the risk of underreporting claims that are missed or not deemed worthy of protection by immigration authorities.

In order to deal with this challenge, we opted for a middle-way of coding the asylum claims in which we used predefined categories according to the law and then used an open coding process in which we searched for all possible claims present in the asylum decisions. The fact that the Aliens Act and the assessment procedure of the SMA differentiate between refugee status and subsidiary protection helped us in our coding process. We coded asylum claims in the following three steps. Firstly, we coded refugee status claims. Secondly, we coded subsidiary claims. Thirdly, we coded other claims. In the majority of the asylum cases, claims were straightforwardly coded from the summary by the case officer in the information section. However, in most asylum decisions, case officers did not relate asylum claims narrated by applicants to the refugee grounds or subsidiary protection status. Likewise, in many asylum decisions, although case officers are required to list and consider all asylum claims (clarified in instruction RS/083/2021), in practice they did not always list all claims narrated by the applicant in the information section. Thus, we coded asylum claims both from the information section as well as from the assessment section.

This means that the coding process could be considered both inductive and deductive, sometimes referred to as abductive (see Haig, 2005). The abductive approach entails moving back and forth between data and theoretical knowledge. In this project, we understand “theoretical knowledge” as referring to definitions and delimitations of the Refugee Convention, the EU directive and the Aliens Act. Mainly this consisted of the preparatory works to

the Aliens Act and the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (1996 (1979)). Below we describe each and every variable coded and we also present inter-rater reliability for the asylum claims variables using Cohen's kappa (K). Values over 0,81 on Cohen's kappa are generally considered indicating almost perfect agreement (see Altman, 1999; Landis and Kock, 1977).

In many the cases, the applicant had no previous experience of harm in their country of origin. Thus, the forward-looking risk assessment was at the center of the assessment. We therefore added a variable showing if the applicant had previous experience of harm. With the variable "discrimination", we highlight if the applicants claimed have been the subject of harm in their country of origin.

Table 4. Inter-rater reliability (Cohen's Kappa) for asylum claims variables.

VARIABLE	KAPPA (K)	95 % CONFIDENCE INTERVAL		P VALUE
		LOWER	UPPER	
<b>REFUGEE STATUS CLAIMS</b>	0,978	0,954	1,000	<0,001
<b>RACE/ETHNICITY/NATIONALITY</b>	0,910	0,810	1,000	<0,001
<b>POLITICAL OPINION</b>	0,989	0,967	1,000	<0,001
<b>RELIGION</b>	0,969	0,926	1,000	<0,001
<b>GENDER</b>	1,000	1,000	1,000	<0,001
<b>SEXUAL ORIENTATION</b>	1,000	1,000	1,000	<0,001
<b>PARTICULAR SOCIAL GROUP</b>	0,949	0,851	1,000	<0,001
<b>SEVERAL REFUGEE STATUS CLAIMS</b>	0,969	0,928	1,000	<0,001
<b>SUBSIDIARY PROTECTION CLAIMS</b>	0,962	0,909	1,000	<0,001
<b>INTERNAL ARMED CONFLICT</b>	0,955	0,892	1,000	<0,001
<b>INTERNATIONAL ARMED CONFLICT</b>	1,000	1,000	1,000	<0,001
<b>TORTURE OR OTHER ABUSIVE TREATMENT</b>	0,906	0,724	1,000	<0,001
<b>SEVERAL SUBSIDIARY PROTECTION CLAIMS</b>	0,955	0,892	1,000	<0,001
<b>DISCRIMINATION</b>	0,953	0,908	0,998	<0,001

### 3.4.1. Refugee Status Claims

*Race/ethnicity/nationality.* This category entails cases where the applicant reported fear of persecution based on (actual or ascribed) race, being part of an ethnic group and/or nationality. Although these are three different grounds in law, it was most of the time impossible to differentiate between the three and we treated them in the same category. In the preparatory works, the three are also not easily distinguishable (see, SOU 2006:6, p. 93; UNHCR handbook 1996, p. 27). Language could form the basis of an “ethnic” group. This category entails cases where the applicant reported fear of persecution based on being of a different clan when it was subject of persecution by another clan, e.g. when an individual was part of or attributed to be part of a certain clan and members of another majority clan would subject the individual of persecution.

*Political opinion.* This category entails cases where the applicant reported fear of persecution based on (actual or ascribed) political membership or activity. It also entails those who were ascribed political activities or views. In the UNHCR handbook (1996, p. 28), non-tolerated political conviction contrary to the public is emphasized. Although SOU (2006:6, p. 94) highlights that political activity could be a matter of choice of clothes, we could not find any such discussions in the asylum decisions.

*Religion.* This category entailed cases where the applicant reported fear of persecution based on (actual or ascribed) religious affiliation or based on if the applicant had converted in the country of origin or in the destination country. This includes religious practices both in public and private spaces (cf., UNHCR Handbook 1996, p. 27) which means that we included claims where the applicant had only participated in private spaces as “religious reasons”.

*Gender.* This category entails all cases where the applicant reported fear of persecution based on their biological sex or gender expression/identity. Gender and sexuality were discussed as being ground for being part of a particular social group and proposed as a separate reason for refugee status in Proposition 2005/06:6. In the proposition (2005/06:6, p. 21), a difference is made between biological and social/cultural gender. This means that persecution could not only stem from “biological differences between men and women but also [from] socially and culturally determined, stereotypical, imaginations about how men respectively women should behave” (p. 21). This also includes transgender individuals defined as “transsexuals, transvestites, and other individuals that have a gender identity or gender expression that at times or always deviates from the norm of the gender that was assigned at birth (p. 22). In the proposition, a difference between gender *specific* and gender *related*

persecution is made. Gender specific persecution relates to the biological sex, e.g., rape, forced sterilization, gender mutilation or forced abortion (p. 22-23). Gender related persecution relates to norms and customs specifically related to men or women (p. 23). This means that both men and women can be the victim of honour related persecution and we included both men and women who claimed gender as a ground. We also sub coded transgender individuals into a separate category “Gender identity”.

*Sexual orientation.* This category entails all cases where the applicant reported fear of persecution based on their sexual orientation or ascribed sexual orientation. As described above, gender and sexual orientation were considered grounds for being part of a particular social group in Proposition 2005/06:6. Although homosexual orientation foremost was discussed in the proposition, bisexual orientation was also included (e.g., p. 28; p. 29). Although heterosexuality related persecution could be classified as sexual orientation, e.g., if someone refused to marry according to tradition, we only coded such claims as gender.

*Particular social group.* This category entailed those applicants where the applicant reported fear of persecution based on their (real or ascribed) affiliation to a particular social group. As this category could entail many different definitions, we used the preparatory works to the Aliens Act and the UNHCR handbook. In SOU 2006:6 it is stated that a particular social group could be interpreted as “different classes in the society, such as nobility, capital owners, but also certain professions and members of the union or other organizations” (SOU 2006:6, p. 93-94). In the UNHCR handbook it is stated that a particular social group includes individuals “with similar backgrounds, habits or social status” (1996, p. 28). Based on this, specific professions were deemed as possible to be part of a particular social group, e.g. in the material applicants claimed asylum based on being a doctor, lawyer, teacher and model (Note that this interpretation is different from MIG 2009:36). In similar way, an individual who reported being wealthy could be part of a particular group, e.g., if an individual had returned to the country of origin with a large amount of money after a time abroad. An applicant reporting fear of persecution based on being or being ascribed as part of a gang that had no ethnic connotations, would be considered as potentially belonging to a particular social group. However, if the applicant was not part of or ascribed as part of a gang but merely victim of violence from a gang, they would not be considered being part of a particular group.

The variables created with their respective codes are the following:

**Refugee status claims (Flyktingstatusskäl) *Ref\_status\_claim***

The claimed asylum ground(s).

Code:

0 = no refugee status claims

1 = race/ethnicity/nationality

2 = political opinion

3 = religion

4 = gender

5 = sexual orientation

6 = particular social group

7 = several refugee status claims

**Race/ethnicity/nationality (Ras/etnicitet/nationalitet) *Race\_eth\_nat***

One of the claimed asylum grounds is race/ethnicity/nationality.

Code:

0 = no

1 = yes

**Political opinion (Politisk åskådning) *Political\_opinion***

One of the claimed asylum grounds is political opinion.

Code:

0 = no

1 = yes

**Religious belief (Religion) *Religious\_belief***

One of the claimed asylum grounds is religion.

Code:

0 = no

1 = yes

**Gender (Kön) *Gender***

One of the claimed asylum grounds is gender.

Code:

0 = no

1 = yes

**Gender identity (Könsidentitet) *Gender\_identity***

One of the claimed asylum grounds is gender identity or gender expression.

Code:

0 = no

1 = yes

**Sexual orientation (Sexuell läggning) *Sex\_orientation***

One of the claimed asylum grounds is sexual orientation.

Code:

0 = no

1 = yes

**Particular social group (Viss samhällsgrupp) *Part\_soc\_group***

One of the claimed asylum grounds is particular social group.

Code:

0 = no

1 = yes

**Several refugee status claims (Flera flyktingstatusskäl) *Sev\_ref\_claims***

The applicant has claimed more than one asylum ground.

Code:

0 = no

1 = yes

**No refugee status claims (Ej flyktingstatusskäl) *No\_ref\_claim***

The applicant has not claimed any asylum grounds.

Code:

0 = no

1 = yes

### 3.4.2. Subsidiary Protection Claims

If the applicant does not fulfil the requirement of refugee status, he/she/they could still be at risk of serious harm upon return to the home country. Thus, subsidiary protection grounds in the Aliens Act complements the refugee protection grounds. The law protects the applicant if there is a risk of being punished with death or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment. Further, the applicant could be at risk of harm due to an international or internal armed conflict. We initially chose to distinguish between inhuman behaviour and the denial of health care but this variable proved to be redundant as so few claims related to health.

The variables created and their respective codes are:

**Subsidiary protection claims (Alternativt skyddsstatusskäl)**

*Sub\_prot\_claim*

The claimed subsidiary protection grounds.

Code:

0 = no subsidiary protection claims

- 1 = internal armed conflict
- 2 = international armed conflict
- 3 = health denial
- 4 = torture or other abusive treatment
- 5 = several subsidiary protection claims

**Internal armed conflict (Inre väpnad konflikt) *Intern\_conflict***

One of the claimed subsidiary protection grounds is internal armed conflict. This category entails all cases where the applicant reported a serious and personal risk of being harmed due to indiscriminate violence due to an internal armed conflict.

Code:

- 0 = no
- 1 = yes

**International armed conflict (Yttre väpnad konflikt) *Intl\_conflict***

One of the claimed subsidiary protection grounds is international armed conflict. This category entails all cases where the applicant reported a serious and personal risk of being harmed due to indiscriminate violence due to an international armed conflict.

Code:

- 0 = no
- 1 = yes

**Health denial (Hälsa) *Health\_denial***

One of the claimed subsidiary protection grounds is denied health treatment. This category entails all cases where the applicant reported a risk of being denied health care in the country of origin.

Code:

- 0 = no
- 1 = yes

**Torture or other abusive treatment (Kränkande behandling/tortyr) *Torture\_inhum\_tmt***

One of the claimed subsidiary protection grounds is torture or other abusive treatment. This category entails all cases where the applicant reported a risk of being punished with death or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment.

Code:

- 0 = no
- 1 = yes

### **Several subsidiary protection claims (Flera skyddsstatusskäl)**

*Sev\_sub\_claims*

The applicant has claimed more than one subsidiary protection grounds.

Code:

0 = no

1 = yes

### **No subsidiary protection claims (Ej skyddsstatusskäl) *No\_sub\_claim***

The applicant has not claimed any subsidiary protection grounds.

Code:

0 = no

1 = yes

### **3.4.3. Humanitarian Claims**

As noted above, in the Aliens Act at the time of the decision-making process, there were also two other grounds for residence that should not be considered protection grounds (i.e., they are without status declaration) but rather humanitarian (5<sup>th</sup> chapter 6§): particularly distressing circumstances (*synnerligen ömmande omständigheter*) and especially distressing circumstances (*särskilt ömmande omständigheter*). In the law, it is stated that in the assessment of particularly distressing circumstances, the applicant's health condition (*hälsotillstånd*), adaption to Sweden (*anpassning till Sverige*) and the situation in the home country (*situationen i hemlandet*) should be considered. The assessment of especially distressing circumstances is very similar but it signifies a less strong requirement of the three aforementioned dimensions. Further, it also means that the applicant has to have created a special attachment (*särskild anknytning*) to Sweden (Proposition 2020/21:191, p. 167-168). It should also be noted that applications with humanitarian claims only are granted if the expulsion goes against the convention commitments (*strida mot ett svenskt konventionsåtagande*) (Prop. 2015/16:174, p. 49). Based on this, we also coded claims that could fall under these categories.

Variables created and their respective codes are:

### **Distressing circumstances claims (Ömmande omständigheter) *Distress\_circum***

The applicant has claimed distressing circumstances.

Code:

0 = no distressing circumstances

1 = health status

2 = adaption to Sweden

3 = situation in home country



4 = attachment to Sweden  
5 = several distressing circumstances

**Health status (Hälsotillstånd) *Health\_status***

This variable entails all cases where the applicant reported poor health as a reason for being granted residency.

Code:

0 = no  
1 = yes

**Adaption to Sweden (Anpassning till Sverige) *Adapt\_Swe***

This variable entails all cases where the applicant reported adaption to Sweden as a reason for being granted residency.

Code:

0 = no  
1 = yes

**Situation in home country (Situation i hemlandet) *CoO\_sit***

This variable entails all cases where the applicant reported the poor conditions in the country of origin as a reason for being granted residency.

Code:

0 = no  
1 = yes

**Attachment to Sweden (Anknytning till Sverige) *Attach\_Swe***

This variable entails all cases where the applicant reported attachment to Sweden as a reason for being granted residency.

Code:

0 = no  
1 = yes

**Several distressing circumstances claims (Flera ömmande omständigheter) *Sev\_dis\_circum***

The applicant has claimed more than one distressing circumstance.

Code:

0 = no  
1 = yes

**No distressing circumstances claims (Ej ömmande omständigheter)**

*No\_dis\_circum*

The applicant has not claimed any distressing circumstances.

Code:

0 = no  
1 = yes

### **Discrimination (Diskriminering) Harm**

The applicant has narrated previous experience of being subject of threats, violence, discrimination, harassment, persecution or other abusive treatment in country of origin or domicile of origin.

Code:

0 = no

1 = yes

## **3.5. Credibility Assessment Variables**

Before turning to the coding of credibility assessments, we provide some background to practice of conducting credibility assessments. Credibility assessment of asylum claims is a method that has received much attention (and criticism) in previous research. Most of these studies make use of small and unrepresentative samples. Testing credibility assessment is, however, not a common phenomenon, arguably since it is a quite interpretative and time-consuming process. In this project, we build further on the very few studies to date.

By now, credibility assessment criteria are generally accepted as standards in determination of risk of persecution in practice of various national and international courts. EU directive stipulates that claims that cannot be verified by written or other evidence should be accepted if (Directive 2011/95/EU, p. 14):

- a) the applicant has made a genuine effort to substantiate his application;
- b) all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;
- c) the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;
- d) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so; and,
- e) the general credibility of the applicant has been established.

In Swedish practice, credibility assessment is mainly delineated by precedent cases from the Migration Court of Appeal, swed. *Migrationsöverdomstolen*, (cf., Proposition 2009/10:31, p. 125-131), from the European Court and by the legal positioning of the SMA (RCI 09/2013). In the legal positioning it is stated that the method of assessment may not be founded on "subjectivism, arbitrariness and intuition" but must be based on "rational, objective

foundation” (p. 7). Further, it is stated that the assessment of the narrative by the applicant should be based on an assessment of if (RCI 09/2013, p. 7):

- The narrative is coherent or fragmented [cf. MIG 2011:6]
- The applicant has given a concrete and detailed account or if it is vague and lacking of detail [cf. MIG 2007:12]
- The narrative contains contradictive parts or if it in its main points been unchanged during the investigation or between the investigative parts [cf. MIG 2011:6]
- The narrative is supported by commonly known facts and updated country information or if parts of the narrative go against such information [cf. MIG 2011:6].

We interpreted these points as consisting of four dimensions; 1. Structure, 2. Detailedness, 3. Constancy, and, 4. Realism. Each of these has the potential to be positive or negative, i.e., it results in eight variables. However, the dimension of realism can be further divided into several categories since it depends on what it is valued against. Thus, we divided it into three subcategories; (a) Realism in relation to the case officers own subjective perception, (b) Realism in relation to written proof submitted by the applicant, and, (c) Realism in relation to external information, such as country of origin information. This left us with twelve variables. Initially, we also thought that other parts of the narrative would be of interest, e.g., how confident the applicant was in narrating their claims and the existence of quotes and dialogs. Although such parts likely were present during the interview, they were not present in the asylum decisions. In order to account for further variability, we added a category of “other” for those dimensions that did not fit any of the categories above.

The determination of dimensions to code from the narratives provided a challenge for the project. In the precedence cases (MIG 2007:12; MIG 2011:6) as well as the legal positioning (RCI 09/2013), there is no definition of what a “narrative” (*berättelse*) consists of nor a demarcation of its fragments, although the legal positioning refers to “core” (*kärna*), “parts” (*delar*) and “information” (*uppgifter*). This leaves room for interpretation by case officers, who sometimes would assess the whole narrative in its entirety, other times in parts or in detail of each statement. For example, one case officer would assess “prison time” in its entirety, while another would assess all events that happened within the “prison time”. Most strikingly, this was pronounced in the difference between cases that were granted and rejected, where the former lacked detailed assessments of fragments. In the legal positioning, it is also stated that rejections should be more well justified (RCI 09/2013, p. 10). This means that it was difficult to create a consistent process of coding *narratives*.

In order to solve this challenge, we chose to code *words* relating to the credibility assessment of asylum claims instead of *narratives*. This means that we coded the dimensions through the counting of words. A caveat with this

coding process was that case officers sometimes would assess a specific part or event of the narrative several times using the same word, e.g., first in a section and then in a summary. In these cases, we only coded the repeated word once when it related to the same event or part of the assessment. We also coded the forward-looking assessment (*framåtsyftande bedömning*).

It is important to stress that we did not count words twice if they were repetitive. For examples, if an assessment was made with one word associated and the same was then repeated in a summary, the word would only be counted once. The same was true if one word was repeated within an assessment, the word would then only be counted once. In some cases (foremost approvals), there was only a shorter summary assessment. Below we present an example of the coding:

”Dina uppgifter om att personerna som hotar dig har kopplingar och höga positioner inom [] är **vaga** och **detaljfattiga**. När du ombeds att beskriva dessa personer och vad de gör så kan du inte berätta mycket mer än att [individ] arbetar inom [profession]. Era släktingar jobbar där och därför vet du att han jobbar där, men du vet inte mycket mer om vad han gör för det är hemligt. De sa inte vad de jobbade med men de var typ [profession]. Du vet inte vad [namn] pappa arbetade som, bara att han var en erfaren person som man lyssnade på.

Migrationsverket bedömer dock att du berättat **detaljerat** och **sammanhängande** om vad som hänt dig med anledning av att [tema]. Dina uppgifter om konsekvenserna **får stöd av den landinformation** som verket har tillgång till.”

*Assessments:* 5

*Struct:* 1

*Fragment:*

*Detailed:* 1

*Nondetailed:* 2

*Constance:*

*Nonconstance:*

*Realism:*

*Nonrealism:*

*Int\_realism:*

*Int\_nonrealism:*

*Ext\_realism:* 1

*Ext\_nonrealism:*

Below we present the exact variables coded and the inter-rater reliability using intraclass correlation coefficients (ICC). ICC above 0,9 are generally considered indicating excellent reliability (see Portney and Watkins, 2000; Koo and Li, 2016).

Table 5. Intraclass correlation coefficient for each of the assessment variables.

VARIABLE	INTRACLAS CORRELATION COEFFICIENT (ICC)	95 % CONFIDENCE INTERVAL		P VALUE
		LOWER	UPPER	
STRUCTURE	1,000	1,000	1,000	<0,001
FRAGMENTATION	0,985	0,980	0,989	<0,001
DETAILEDNESS	0,965	0,954	0,974	<0,001
NON-DETAILEDNESS	0,985	0,980	0,989	<0,001
CONSTANCE	0,946	0,927	0,959	<0,001
NON-CONSTANCE	0,981	0,974	0,986	<0,001
REALISM	0,960	0,947	0,970	<0,001
NON-REALISM	0,985	0,980	0,989	<0,001
INT. REALISM	0,963	0,950	0,972	<0,001
INT. NON-REALISM	0,984	0,979	0,988	<0,001
EXT. REALISM	0,990	0,986	0,992	<0,001
EXT. NON-REALISM	0,963	0,951	0,973	<0,001

### 3.5.1. Credibility Assessments

#### **Assessments (Antal bedömningar)** *Assessments*

This variable consists of the number of assessments made by the case officer, demarked by the number of verbs or adjectives connected to assessments.

#### **Structure (Strukturerad)** *Struct*

This variable consists of the number verbs or adjectives connected to how coherent the narrative was, e.g., word such as sammanhängande, osplittrad.

#### **Fragmentation (Ostrukturerad)** *Fragment*

This variable consists of the number verbs or adjectives connected to how incoherent the narrative was, e.g., word such as osammanhängande, splittrad.

#### **Detailedness (Detaljrik)** *Detailed*

This variable consists of the number verbs or adjectives connected to how detailed the narrative was, e.g., word such as detaljrik, ovag, detaljerad, utförlig.

#### **Non-detailedness (Detaljfattig)** *Nondetailed*

This variable consists of the number verbs or adjectives connected to how un-detailed the narrative was, e.g., word such as detaljfattig, vag, odetaljerad, knapphändig, allmänt hållen, kortfattad, generell, svepande, knapphändig.

**Constance (Konstansrik) *Constance***

This variable consists of the number verbs or adjectives connected to if the narrative lacked contradictive parts, e.g., word such as stödjer, konsekvent, oförändrad, överensstämmer, samstämmig.

**Non-constance (Konstansfattig) *Nonconstance***

This variable consists of the number verbs or adjectives connected to if the narrative had contradictive parts, e.g., word such as motstridig, motsägelsefull, tala emot, olika.

**Realism (Realismrik) *Realism***

This variable consists of the number verbs or adjectives connected to if the narrative was perceived as realistic by the case officer in relation to their own subjective reflections, e.g., word such as rimlig, realistisk, sannolik, självupplevd.

**Non-realism (Realismfattig) *Nonrealism***

This variable consists of the number verbs or adjectives connected to if the narrative was perceived as unrealistic by the case officer in relation to their own subjective reflections, e.g., word such as orimlig, orealistisk, osannolik, spekulativ, tvivelaktig, andrahandsuppgifter, antagande.

**Int. realism (Intern positiv realism) *Int\_realism***

This variable consists of the number verbs or adjectives connected to if the narrative was perceived as realistic by the case officer in relation to the written proof given by the applicant, e.g., word such as högt or visst bevisvärde in relation to stöd för, stödjer, överensstämmer.

**Int. non-realism (Intern negativ realism) *Int\_nonrealism***

This variable consists of the number verbs or adjectives connected to if the narrative was perceived as unrealistic by the case officer in relation to the written proof given by the applicant, e.g., word such as lågt or inget bevisvärde in relation to stöd för.

**Ext. realism (Extern positiv realism) *Ext\_realism***

This variable consists of the number verbs or adjectives connected to if the narrative was perceived as realistic by the case officer in relation to the written proof by the case officer (e.g., country information), e.g., word such as får stöd av, överensstämmer, förenlig med.

**Ext. non-realism (Extern negativ realism) *Ext\_nonrealism***

This variable consists of the number verbs or adjectives connected to if the narrative was perceived as unrealistic by the case officer in relation to the

written proof by the case officer (e.g., country information), e.g., word such as finner inte stöd, inte stämmer överens med.

### 3.6. Asylum Narratives and Assessments in SOGIE Decisions

During the coding of the asylum decisions, we identified all decisions with sexual orientation and/or gender identity/expression claims. In this section, we explain how we have coded the asylum decisions regarding SOGIE asylum grounds and give an overview of the variables created and codes used.

The focus of this coding process has not only been on additional case specifics and assessments but also on content, i.e. what the story narrated by the applicant contain. We have drawn the information present but it is important here to stress two aspects here. First, it is problematic to make strong statements about a reality or totality. The existing narrative is simply a narration of what the applicant has found important to disclose in relation to asylum claims. This means that there might be information missing, for example, the applicant might have a child but has not deemed this important for the application or has chosen to hide the fact in order to be perceived as more credible. Second, and as stated above, the information in the asylum decision is a co-construction in a process where the case officer has had the final say. This means that the case officer might have erased part of importance for the applicant but also emphasized parts that were not of importance to the applicant.

Below we describe each and every variable coded and we also present inter-rater reliability for the asylum claims variables using Cohen's kappa (K) or Intra-class correlation:

Table 6. Inter-rater reliability (Cohen's Kappa) for asylum narratives and assessment variables in SOGIE decisions.

VARIABLE	KAPPA (K)	95 % CONFIDENCE INTERVAL		P VALUE
		LOWER	UPPER	
SEXUAL ORIENTATION	0,907	0,782	1,000	<0,001
CHILD	0,952	0,858	1,000	<0,001
S-S RELATIONSHIP COO	0,957	0,873	1,000	<0,001
S-S RELATIONSHIP SWE	0,922	0,771	1,000	<0,001
D-S RELATIONSHIP COO	0,959	0,879	1,000	<0,001
D-S RELATIONSHIP SWE	0,847	0,553	1,000	<0,001
ENG. LGBTQ ORG.	1,000			
PROTECTION AUTH.	0,852	0,654	1,000	<0,001
RELIGION	1,000			

<b>HARM</b>	0,920	0,812	1,000	<0,001
<b>SEX ORIENTATION PROB.</b>	0,961	0,885	1,000	<0,001
<b>SEX EVENTS PROB.</b>	1,000			
<b>LATE DISCL.</b>	0,802	0,637	0,967	<0,001
<b>OTHER EVENTS</b>	0,879	0,748	1,000	<0,001

Table 7. Intraclass correlation coefficient for each of the asylum narrative variables in SOGIE decisions.

VARIABLE	INTRACCLASS CORRELATION COEFFICIENT (ICC)	95 % CONFIDENCE INTERVAL		P VALUE
		LOWER	UPPER	
<b>POS. DISC. EMO.</b>	0,890	0,807	0,937	<0,001
<b>NEG. DISC. EMO.</b>	0,984	0,973	0,991	<0,001

### 3.6.1. SOGIE Characteristics

#### **Sexual identity** *Sex\_id*

The applicant's defined sexual attraction. Here the focus is on the sexual attraction stated by the applicant. In cases where the applicant defined themselves as bisexual but only reported same-sex attraction, we have defined the applicant as homosexual. In some cases, applicant used several definitions and we could not determine sexual attraction, we then coded them as data missing. In some cases, data is missing as the attraction is never discussed in relation to other individuals.

Code:

0= Homosexual

1= Bisexual

2= Ascribed

3= Data is missing

#### **Has child/ren** *Child*

This variable indicates if it is reported in any part of the decision that the applicant has children. This is different from the variable *Children* that only reports if a child/-ren is part of an application.

Code:

0= No

1= Yes



### 3.6.2. SOGIE Case Specifics

#### **Late disclosure** *Late\_appl*

This variable indicates if the applicant has submitted their application late (e.g., waited before they have applied due to illegal stay) or if they had other permits before (e.g., had a work permit which was not renewed) or added sexual orientation as an asylum ground late in the process.

Code:

0= No

1= Yes

#### **Positive discovery emotions** *Pos\_di\_em*

This variable consists of the number of positive feelings connected to the applicant's discovery of his/her/their sexuality and/or attraction, e.g. words such as normal, glädje, lycka, lättnad, må bra.

#### **Negative discovery emotions** *Neg\_di\_em*

This variable consists of the number of negative feelings connected to the applicant's discovery of his/her/their sexuality and/or attraction, e.g. words such as skam, stigma, depression, arg, trauma, känna sig annorlunda, suicid-alkänsla.

#### **Same-sex relationship and/or experience in country of origin** *Rel\_CoO*

This variable indicates if the applicant has had a same-sex relationship and/or experience in country of origin. In cases where the applicant was in a process of gender transition we have coded based on the physical and legal gender at the time of the relationship. For example, in one case an applicant was born a man but identified as a woman without having started any legal or gender affirmative treatment. We then coded the applicant's relationship with a woman as different-sex relationship. Later the same applicant started gender affirmative care and changed their gender to a woman but still remained with the same partner. We then coded their relationship as same-sex relationship.

Code:

0= No

1= Yes

#### **Same-sex relationship and/or experience in Sweden** *Rel\_Swe*

This variable indicates if the applicant has had a same-sex relationship and/or experience in Sweden. For definition see above.

Code:

0= No

1= Yes

**Different-sex relationship and/or experience in country of origin***Relhet\_CoO*

This variable indicates if the applicant has had a different-sex relationship and/or experience in country of origin. For definition see above.

Code:

0= No

1= Yes

**Different-sex relationship and/or experience in Sweden *Relhet\_Swe***

This variable indicates if the applicant has had a different-sex relationship and/or experience in Sweden. For definition see above.

Code:

0= No

1= Yes

**Experience of harm due to sexuality or gender identity/expression in country of origin *Harm\_sex***

The applicant has narrated previous experience of being subject of threats, violence, discrimination, harassment, persecution or other abusive treatment in country of origin or domicile of origin due to sexuality and/or gender identity/expression.

Code:

0= No

1= Yes

**Has engagement or membership in LGBTQ organizations *Engage\_org***

The applicant has been involved in and/or is a member of LGBTQ organizations.

Code:

0= No

1= Yes

**Reason around religion *Religion***

This variable indicates if the applicant discussed religion in relation to sexuality and/or gender identity/expression.

Code:

0= No

1= Yes

### 3.6.3. SOGIE Assessments

#### **Country information identifies that protection from authorities could be at hand** *Prot\_auth*

This variable indicates if the SMA argues that protection from national authorities is at hand.

Code:

0= No

1= Yes

#### **Sexual orientation realism** *SexO\_unreal*

This variable indicates if the SMA argues that the sexual orientation of the applicant has not been made probable.

Code:

0= No

1= Yes

#### **Sexual relationships or events realism** *SexE\_unreal*

This variable indicates if the SMA argues that events relating to the discovery of the sexual orientation or the practice of sexuality (e.g., relationships, dating, sexual encounters) have not been made probable.

Code:

0= No

1= Yes

#### **Other events realism** *OtherE\_unreal*

This variable indicates if the SMA argues that other events than those relating to the discovery of the sexual orientation or the practice of sexuality (e.g., relationships, dating, sexual encounters) have not been made probable.

Code:

0= No

1= Yes

## 4. Limitations

In this section, we discuss some of the limitations with the coding process. As with all coding processes in which interpretation is part of the process, there are limitations. A disadvantage in this project is that the coding process deals with coding decisions written by case officers, i.e., case officers' interpretations. It is important to highlight that the information in the decisions do not necessarily reflect the views of the applicant nor a reality or truth. As was highlighted above, gender is one such category. In the process of coding claims, we have taken the approach of screening the assessment text in addition to the text in which the case officers summarize the claims in order to find claims that case officers might have missed. Although this has widened the scope of the claims of the applicants, there is a possibility that case officers have missed or erased text from the assessment section that would relate to claims.

A further drawback with coding decisions, and especially credibility assessments, is that it does not capture the situation in which the interview is conducted. Although the credibility assessment should be "objective" and not evaluated based on *how* the applicant presents the narrative (RCI 09/2013, p. 3), it is likely that such circumstances do matter in the asylum adjudication. An example of this could be if an applicant is seeking asylum based on sexual orientation but is also performing a non-normative gender expression (as is also a possible refugee status ground) during the interview. The applicant and the case officer might both acknowledge this but not speak of this in words and therefore also not mention it in the decisions.

Coding data manually always has drawbacks. As mentioned above, in order to reduce the likelihood of different individuals in the project coding differently we introduced an inter-rater. The inter-rater reliability measures all scored very high which means that there was a high agreement between the main coder and the secondary coder. We argue that this means that the reliability is high. We should also say that a manual coding process also brings at the risk of entering data falsely. For example, in the coding of one asylum decision, we detected an error of entering 77 instead of 7.

Further, a drawback is the interpretation of some of the created variables. For example, in evaluating the conceptual validity of the variables, the interpretation of "Time in Sweden" does not really reflect the actual time spent in Sweden. Time is of importance for the applicants seeing as it can be used as a

sign of their “low” credibility, i.e. “Why did you not apply for asylum at once?”. However, the variability among the applicants was so great that we had to reduce the understanding to “the last entry in relation to the current application”. This does not show the full dimension of the time spent in Sweden.

Finally, there are many dimensions present in the decisions that matter for the credibility but that we cannot quantify due to the fact that they are so rare. For example, in one asylum decisions it was stated that an applicant that had applied for impediment for expulsion based on his homosexuality but when reapplying did not claim homosexuality as a ground. Further, as he had married a person of the opposite gender, this was used as proof of his general non-credibility. Two variables that were not coded and we think matters to the decision outcome is escalation (*upptrappning/eskalering*), e.g., that the applicant has added new information about an event, and new circumstances (*nya omständigheter*), e.g., that the applicant has added new information about an asylum ground.

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## Appendix. The sorting of asylum applicants

The process from when an individual arrives in Sweden and files their application to when they are assigned a case officer matters to our models, i.e., the sorting of applicants and applications to certain units. Sorting occurs both from the side of the applicant and through the SMA.

In order to file an asylum application in Sweden, one must hand it in personally at one of the three application units (ansökningsenhet) in Malmö (Region South), Göteborg (Region West) or Stockholm (Region North). Sorting into these units from the applicant's side will mainly occur through the point of arrival to Sweden. The border control can register parts of the application but the applicant must complete the application in one of the asylum units. An individual can arrive at one of the international airports. Since the main international airport in Sweden is located in Stockholm, most individuals arriving via international air travel will sort into Region North. The second largest international airport is in Gothenburg which means that others will sort into Region West. Some will also arrive at the smaller airports with international flights to Sweden. This means that international air connections structure some of the sorting of individuals to certain units of the SMA. An individual can also arrive at one of the international ferry ports, e.g., Göteborg, Halmstad, Karlshamn, Karlskrona, Malmö, Stockholm, Trelleborg, Umeå and Ystad. This means that international ferry connections also structure some of the sorting of individuals to certain units of the SMA. The individual can also arrive via "land" through the bridge from Denmark. These individuals will sort into Region South. In cases where it is hard for the applicant to travel to one of the application units, the application can be filed at other units of the SMA.

At registration an individual will provide personal data, leave finger prints and a shorter interview will be held. The applicant will then be offered asylum accommodation (anläggningsbostad, ABO) or can choose to stay in their own accommodation (egen bostad, EBO). Resource allocation is mainly handled within the three regions, i.e., housing is handled within the regions. This means that sorting into certain asylum units (grundprövningsenhet) will occur based on whether the applicant choose ABO or EBO. This is mainly true for Region North where the asylum units are placed in different cities. In Region North, the main bulk of ABO is located in the north of Sweden. Applicants choosing ABO will therefore mainly sort into asylum units in Boden. The

main bulk of those choosing to stay in EBO in Region North stay in Stockholm and will therefore sort into the other asylum units of Region North.

At registration, SMA will also divide asylum applications in five tracks according to their “nature”, see Table below. This means that sorting into certain asylum units will occur based on the nature of the application. Mainly this applies to applications categorized into track 4 (påskyndad process) and 5 (ej materiell prövning). Note that applications categorized into track 5 are not part of this study.

Table 8. The categorization of applications into tracks (spårindelning) by the SMA.

TRACK (SPÅR)		SOUTH (SYD)	WEST (VÄST)	NORTH (NORD)
1	Presumption approval (Presumption bifall)	All asylum units	All asylum units	All asylum units
2	No presumption approval (Ej presumption bifall)	All asylum units	All asylum units	All asylum units
3	Delayed processing time (Fördröjd handläggningstid)	All asylum units	All asylum units	All asylum units
4A	Accelerated process (Påskyndad process, OH)	AEMA	All asylum units	All asylum units (but mainly Sundbyberg)
4B	Accelerated process, country with high rejection rate (Påskyndad process, land med hög avslagsprocent)	All asylum units	All asylum units	All asylum units (but mainly Sundbyberg)
5A	No examination, Dublin (Ej materiell prövning, Dublin)	-	-	Dublinenheten
5B	No examination, protection in EU+ (Ej materiell prövning, skyddsstatus i EU+)	AEMA	All asylum units	Dublinenheten

5C	No examination, protection outside (Ej materiell prövning, skyddsstatus utanför)	AEMA	All asylum units	Dublinenheten
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Note: Asylum unit = grundprövningsenhet, AEMA = ansökningsenheten i Malmö.