



FAMILY LAW
AND PARENTAL
SUPPORT AUTHORITY

Excerpts from Swedish legal provisions concerning intercountry adoptions

Family Law and Parental Support Authority, July 2016

Social Services Act (2001:453)

Chap. 5 Special provisions for various groups

Children and young persons

Section 1

The social welfare committee shall

- endeavour to ensure that children and young persons grow up under secure and good conditions,
- promote, in close co-operation with families, the comprehensive personal development and favourable physical and social development of children and young persons,
- conduct outreach activities and other preventive work to prevent children and young persons from coming to harm
- work actively to prevent and counter the abuse by children and young persons of alcoholic drinks, other intoxicants or addictive substances and doping preparations,
- in cooperation with public bodies, organisations and other parties affected monitor and work to ensure that children and young people do not spend time in environments that are harmful to them,
- be especially observant of the development of children and young persons who have shown signs of developing in an unfavourable direction,
- ensure, in close co-operation with families, that children and young persons at risk of developing in an undesirable direction receive the protection and support that they need and, where justified in the light of the young person's best interests, care and upbringing away from their home,
- make provision, in its care of children and young persons, for the special needs of support and help which may exist following the conclusion of judicial or other proceedings concerning custody, residence, contact or adoption,
- make provision, in its care of children and young persons, for the special needs of support and help which may exist after care and upbringing away from home has come to an end or after the execution of closed juvenile care pursuant to the Swedish law on the enforcement of closed juvenile care (1998:603) has ceased.

Chap. 6 Out-of-home care

Special provisions on the reception of children

Section 6

No child may, without the consent of the social welfare committee or a care decision, be admitted, for purposes of permanent care and upbringing, into a private home not belonging to either of his or her parents or to any other person having custody of him or her.

The social welfare committee may not grant consent or decide about care without conditions in the individual home and the feasibility of care in the home having been investigated by a social welfare committee.

The social welfare committee may not place a child in a private home which on repeated occasions receives children for temporary care and upbringing (emergency home) unless conditions in the individual home and the feasibility of care in the home have been investigated by a social welfare committee.

Unless there are special reasons a child may be cared for in an emergency home for a maximum of two months from the date when the social welfare committee's investigation under Chap. 11, Section 2, on intervention to protect or support the child has been concluded.

Section 7

In the case of children being cared for in a family home, emergency home, other private home, supportive housing or home for care or residence, the social welfare committee shall

1. help to ensure that they receive good care and upbringing and grow up in generally favourable conditions,
2. endeavour to ensure that they receive suitable education,
3. endeavour to ensure that they receive the health care that they need,
4. give the custodians and parents the advice, support and other assistance that they need.

Section 8

If a child is being cared for pursuant to this Act in a home that is not its own, the social welfare committee shall consider at least once every six months whether this care is still needed and what focus and design the care should have.

When the child has been placed in the same family home for three years after the implementation of the placement, the social welfare committee shall give special consideration to whether there is reason to apply for a transfer of custody under Chap. 6, Section 8 of the Children and Parents Code.

Section 9

Consent under Section 6 to the reception of a child for permanent care and upbringing is granted by the social welfare committee in the same municipality as is responsible under Chap. 2 a for meeting the custodian's need of support and assistance.

The committee that has granted consent under Section 6 discharges the obligations referred to in Section 7.

Section 10

Private persons or associations may not conduct activities for the purpose of placing minors in homes referred to in Section 6.

Intercountry adoptions

Section 12

A child domiciled abroad may not without the consent of the social welfare committee be received with the purpose of being adopted by anyone who is not a parent of the child or has custody of the child. Consent shall be obtained before the child leaves the country where the child is domiciled.

Consent may be granted only if the applicant is suited for adoption. When making this assessment particular regard should be taken to the applicant's knowledge and understanding of adoptive children and their needs and the implications of the planned adoption, the applicant's age, state of health, personal qualities and social network. The applicant should also have participated in a parental course assigned by the municipality prior to the adoption.

If the applicant has previously adopted a child from abroad, consent may be granted although he or she has not participated in a parental course.

The consent shall lapse if the child has not been received in the home within two years from the consent being granted.

Section 13

It is the duty of the person or persons wishing to adopt to notify the social welfare committee of any substantial change in their circumstances during the time for which the consent is valid. The consent should be revoked if the preconditions for the same are no longer satisfied. Revocation can also take place when the child has been received by the person or persons wishing to adopt, if continued residence with them is not compatible with the child's best interests.

Section 14

On a certain child having been proposed for adoption, the social welfare committee shall consider promptly, and at the latest within two weeks of notice to this effect being given by the person or persons wishing to adopt, whether agreement shall be made to continue the adoption procedure. In the case of an adoption procedure to which the Act (1997:191) consequent on Sweden's accession to The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption is applicable, Section 3 of the said Act shall then apply. The time within which consideration as provided in this section shall take place may be extended if there are extraordinary reasons for doing so.

Section 15

Consent under Section 12, to the reception, with a view to its adoption, of a child domiciled abroad and agreement under Section 14 to the continuation of the adoption procedure, are granted by the social welfare committee of the same municipality as is responsible under Chap. 2 a for meeting the applicant's or applicants' need of support and assistance.

The social welfare committee that gives its agreement under Section 14 shall discharge the obligations under Section 7.

Section 16

Provisions concerning the right of authorized associations to mediate children from abroad for adoption in certain cases are contained in the Intercountry Adoption Intermediation Act (1997:192).

Children and Parents Code (1949:381)

Chap. 4 Adoption

Section 1

Any man or woman who has attained the age of twenty-five years may with the permission of the court adopt a child. The right to adopt a child is also possessed by a person who has attained the age of eighteen years but not twenty-five years, if the adoption relates to his or her own child, the child or the adoptive child of his or her spouse or if otherwise extraordinary reasons exist.

Section 2

Repealed

Section 3

Spouses may not adopt a child otherwise than jointly. However, one of the spouses may adopt a child separately when the other spouse is living in an unknown place or is suffering from a serious mental disturbance. One of the spouses may also otherwise, with the consent of the other spouse, adopt that spouse's child or adoptive child or his or her own child.

Section 4

Persons other than spouses may not jointly adopt a child.

Section 5

A person who has attained the age of twelve years may not be adopted without his own consent.

However, consent is not required if the person to be adopted

1. is under the age of sixteen years and it would be to his or her detriment to be asked, or
2. is permanently prevented from consenting due to a mental disturbance or due to some other circumstance of a similar nature.

Section 5 a

A person who has not reached the age of eighteen years may not be adopted without consent of the parents. The mother's consent must have been given after she has sufficiently recovered after the confinement. In the case of adoption of an adoptive child there shall instead be obtained the consent of the adopters or, if a spouse has adopted a child of the other spouse, of the spouses.

Consent in accordance with the first paragraph is not required from a person who is suffering from a serious mental disturbance, who has no share in custody or is in an unknown place. If such is the case regarding each of these persons who in accordance with the first paragraph must consent to the adoption, consent shall instead be obtained from a specially appointed custodian of the child.

Section 6

The court shall examine whether the adoption may suitably take place. Permission must not be given unless the adoption is found to be to the benefit of the child and the applicant has brought up the child or wishes to bring up the child or concerning the personal relationship between the applicant and the child there is a special reason for the adoption. In deciding whether it is appropriate for the adoption to take place, the court shall, even where the child's consent is not needed, take the child's wishes into account, with due regard to the child's age and maturity.

The application must not be granted if on either side a consideration has been given or promised, or if a contribution towards the maintenance of the child has been agreed upon, unless it is a question of a contribution of a certain amount to be paid once and for all and the amount has been paid to the social welfare committee in the municipality where the adopter is registered or there has been given to the

committee a guarantee of the amount and this guarantee has been approved by the applicant and the committee. For the amount which has been paid to the committee the committee shall purchase from a Swedish insurance company an annuity adapted to the maintenance liability for the child unless this is precluded by the agreement or the committee finds that the amount may be used for the child's maintenance in some other suitable way.

An agreement concerning consideration or maintenance which ought to have led to a rejection of the application if the agreement had been known to the court shall be null and void even if the application is granted.

Section 7

So far as the position of the adoptive child with regard to the adopter and the adopter's relatives is concerned, the adoption shall cease to have effect, if the adoptive child is adopted by a person other than the adopter's spouse.

Section 8

On application of a provision issued by law or other statute by which judicial importance is accorded to family relationships or relationship by marriage, the adoptive child shall be considered as if it were the adopter's child and not as the child of its biological parents. If one of the spouses has adopted the other spouse's child or adoptive child, the child shall be considered as if it were theirs jointly.

The first paragraph shall not apply if the contrary is specially prescribed or is a consequence of the legal relationship.

Section 9

The court qualified to deal with matters concerning the adoption of children shall be the court in the place where the adopter is resident. If there is no court qualified according to what has here been stipulated, the matter shall be dealt with by the Stockholm City Court.

Section 10

In matters concerning adoptive children the court shall obtain information concerning the child and the applicant and also as to whether a consideration or a contribution to the child's maintenance has been given or promised. If the child has not attained the age of eighteen years an opinion shall be obtained from the social welfare committee in the municipality where the applicant is registered and from the social welfare committee in the municipality where the person who has the custody of the child is registered.

The social welfare committee in the municipality where the applicant is registered shall endeavour to clarify the child's standpoint and communicate the same to the court, except where to do so would be unsuitable.

A father or a mother whose consent to the adoption is not required shall nevertheless be heard, where this can be done. In the case of the adoption of an adoptive child these provisions shall instead apply to the adopter or, if a spouse has adopted the other spouse's child, each of the spouses. If there is a special guardian whose consent is not required, he or she shall also be heard.

Section 11

An action against the court's decision in a matter concerning the adoption of a child may be laid by the applicant or by a person who must be heard in the matter.

Act (1971:796) on International Legal Relations Concerning Adoption

Section 1

An application concerning adoption shall be considered by a Swedish court if the applicant or applicants have Swedish citizenship or are domiciled in the Kingdom or if the King in Council has given assent to the consideration of the application.

Section 2

An application concerning adoption shall be considered in accordance with Swedish law.

If the application concerns a child under the age of eighteen years, regard shall be paid in particular to whether the applicant or the child has a connection with a foreign state as a result of citizenship or domicile or otherwise and it would involve considerable inconvenience for the child if the adoption were not to be valid there.

Where the person to whom the adoption relates is a non-Nordic citizen and is aged twelve years or older, the court shall ascertain the views of the Swedish Migration Board.

Section 3

An adoption order made in a foreign state shall apply in this Kingdom if the applicant or applicants were citizens of or were domiciled in the foreign state when the order was made and, in a case where the adoptive child was a Swedish citizen or was domiciled in Sweden, the adoption has been approved by the King in Council or an authority designated by the King in Council.

The King in Council or the authority designated by the King in Council may in other cases also decree that an adoption order made in another state shall apply in this Kingdom.

Section 4

When an adoption order made in a foreign state shall apply in this Kingdom, the adoptive child is to be considered as a child in wedlock of the adopter with regard to custody, guardianship and maintenance.

With regard to the right of inheritance in adoptive relationships, there shall apply what is in general prescribed concerning the applicable law with regard to the right of inheritance, irrespective of what law was valid at the adoption. If the adoption has taken place in this Kingdom the adoptive child is, however, always to be regarded as a child in wedlock of the adopter.

In cases where the adoptive child does not possess a right of inheritance after the adopter, it may in accordance with what is deemed reasonable be determined that a contribution towards the maintenance of the child shall be paid from the balance in hand of the deceased adopter's estate.

Section 5

The King in Council or the authority designated by the King in Council may issue prescriptions concerning any investigation which shall take place in a matter within the meaning of this Act.

Section 6

An adoption order made in a foreign state may not be accorded validity in Sweden if this would obviously be incompatible with the basic principles of the legal system in this Kingdom.

Section 7

In so far as it may be called for in fulfilment of Sweden's obligations under a treaty with a foreign state, the King in Council may issue prescriptions which diverge from the provisions in this Act.

Ordinance (1976:834) on Examination of Foreign Decisions on Adoption

Section 1

If another state has made a decision on adoption of a Swedish citizen or of anyone domiciled in Sweden, the Family Law and Parental Support Authority shall consider the approval in accordance with Section 3, first paragraph, of the Act (1971:796) on International Legal Relations Concerning Adoption.

The Authority also considers issues of whether an order for an adoption decision made abroad in other cases than as referred to in Section 3, first paragraph, of the said Act, shall apply here in this country.

Section 2

The Authority's decisions may be appealed against to the Government by limited appeal.

Section 3

If the Family Law and Parental Support Authority has approved a decision on adoption that has been made in another state or if the Authority has ordered that such a decision shall apply in Sweden, the notice of the decision shall be dispatched in accordance with that prescribed for courts according to Section 2 of the Ordinance (1949:661) on the liability for courts to provide information in cases and matters under the Children and Parents Code etc.

Act (1997:191) consequent on Sweden's accession to The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption

Section 1

The Convention on Protection of Children and Co-operation in respect of Intercountry Adoption adopted on the 29th of May 1993 in The Hague shall, as worded in the original texts, have the standing of law in this country. The original texts shall have the same validity.

The original texts together with a Swedish translation are included as appendix to this law.

Section 2

The Family Law and Parental Support Authority is the central authority as referred to in the Convention and performs the tasks incumbent on such an authority, except where otherwise indicated by law or other statute.

The Family Law and Parental Support Authority issues certificates as referred to in Article 23 of the Convention when the adoption has taken place in Sweden or when a foreign adoption order has been transposed in this country as provided in Article 27 of the Convention and Section 5 of this Act.

Section 3

Applications as referred to in Article 14 of the Convention shall be made to the social welfare committee of the applicant's or applicants' municipality of residence.

The social welfare committee shall

- (a) prepare reports as referred to in Article 15.1 of the Convention,
- (b) consider matters of agreement as referred to in Article 17.c of the Convention,
- (c) take measures as referred to in Article 21 of the Convention.

Chap. 6 Articles 12-15 of the Social Services Act (2001:453) contains provisions concerning examination by the social welfare committee of matters of consent to the reception, with a view to adoption, of children domiciled abroad.

Section 4

If an authorized association has been engaged for adoption assistance, that association shall

- (a) pursuant to Article 15.2 of the Convention transmit reports as referred to in Article 15.1,
- (b) pursuant to Article 16.2 of the Convention receive reports as referred to in Article 16.1,
- (c) take steps incumbent on the Central Authority under Articles 18-20 of the Convention.

Section 5

When an adoption recognised in Sweden under the Convention has been granted in the state of origin without the legal relationship between the child and the original family having ceased, the adoption may be transposed into an adoption having the effect indicated in Chap. 4, Section 8 of the Children and Parents Code. Transposition may take place only if the consents referred to in Article 27.1 b of the Convention and Chap. 4, Section 5 of the Children and Parents Code have been given.

A general court decides concerning such transposition, on application being made by the adopter or adopters.

Section 6

A child residing in a country as a refugee or in a quasi-refugee situation shall be deemed, for the purposes of this Act, to be domiciled in that country.

Appendix (*Not included in this excerpt.*)

Intercountry Adoption Intermediation Act (1997:192)

Introduction

Section 1

The provisions of this Act apply when a minor domiciled abroad is to be adopted by a person or persons domiciled in Sweden.

Intercountry adoption intermediation

Section 2

“Intercountry adoption intermediation“ refers to activity for the purpose of establishing contact between the person or persons wishing to adopt and authorities, organisations, institutions or private persons in the country where the child is domiciled, and also otherwise providing the assistance needed in order for an adoption to be possible.

Section 3

Adoptions of children from abroad may be mediated only by associations authorized under this Act.

Section 4

A person or persons wishing to adopt a child from abroad shall engage an association referred to in Section 3. This shall not apply, however, to individual cases of adoption involving related children or where there are otherwise special reasons for adopting without intermediation by an authorized association. In cases of this kind, the Family Law and Parental Support Authority shall, before the child leaves the country, consider whether the procedure is acceptable.

The authorized associations

Section 5

The Family Law and Parental Support Authority shall determine issues of authorization and exercises supervision over the authorized associations.

Section 6

Authorization to work with intercountry adoption intermediation in Sweden may only be granted to associations whose main purpose is the intermediation of intercountry adoptions. Authorization may only be granted if it is clear that the association will intermediate adoptions in an expert and judicious manner, on a non-profit basis and with the best interests of the child as its foremost guiding principle. Authorization is also subject to the association having a board and auditors and also statutes providing for the association being open.

Section 6 a

An association that is authorized in accordance with Section 6 may be granted authorization to work with intercountry adoption intermediation in another country, in a certain part of another country or with a certain adoption contact in another country on condition that

1. the other country has adoption legislation or some other reliable regulation of intercountry adoption, which takes into account the fundamental principles for intercountry adoption expressed in the United Nations Convention on the Rights of the Child and in the Hague Convention of 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption;
2. the other country or the relevant part of the other country has a functional administration concerning intercountry adoption operations;

3. it is clear that the association will intermediate adoptions from the other country or the relevant part of the other country in an expert and judicious manner, on a non-profit basis and with the best interests of the child as its foremost guiding principle;
4. the association reports its costs in the other country and how they are distributed;
5. with regard to costs and the other circumstances it is considered appropriate for the association to start or continue adoption cooperation with the other country; and
6. operations other than intercountry adoption intermediation conducted by the association will not jeopardise confidence in its adoption operations.

An association that has been granted authorization to work with intercountry adoption intermediation in another country, in a certain part of another country or with a certain adoption contact in another country may only conduct operations in that country if the competent authority in the other country has granted permission for it to do so or has declared that it is prepared to accept the association's operations in the country.

On matters concerning authorization according to this Section, the Family Law and Parental Support Authority shall consult with the Swedish mission abroad in the other country, unless this is manifestly unnecessary and also, if necessary, consult the child rights organisations operating in the other country.

Section 7

Authorization in accordance with Section 6 may be granted for at most five years and authorization in accordance with Section 6 a may be granted for at most two years. If a new application has been submitted to the Family Law and Parental Support Authority before a previous authorization has expired, the former authorization decision shall apply pending the decision from the Family Law and Parental Support Authority. The authorization may also be combined with other conditions relevant to the conduct of the operation, for example the rules governing the payment of charges and rendering of accounts.

To cover the costs of its operation, an authorized association may require those persons using the association for intercountry adoption intermediation to pay reasonable charges.

Section 8

An authorized association is liable to provide intercountry adoption intermediation for applicants who have been granted consent to receive a foreign child for adoption.

This liability does not apply in the event that the association does not have any foreign contact who can intermediate children to the applicant. The same applies if the applicant has neglected his or her financial or other agreed obligations in relation to the association.

Section 8 a

The association shall rapidly notify the Family Law and Parental Support Authority of such changes in the operation of the association in Sweden and abroad together with such changes in political, legal and other circumstances abroad that may be relevant to the intermediation operation.

Section 8 b

An authorized association is liable to document the intermediation operation. The documentation shall show what decisions and actions have been implemented in matters and the actual circumstances and events of importance. The documentation shall be kept as long as it may be assumed to be of relevance for the person who has been intermediated for adoption through the association or for persons closely related to him or her.

Copies of documents referring to a particular adoption should be sent to the social welfare committee referred to in Chap. 6 Section 15, second paragraph, of the Social Welfare Act (2001:453).

If the association ceases its intermediation operation, the documentation concerning the intermediation operation shall be transferred to the Family Law and Parental Support Authority for storage.

Section 8 c

A person to whom the documents of an association in intermediation operations relate shall upon request be provided, as soon as possible, with the documents requested to be read or printed out at the place or as a transcript or a copy provided it may be assumed that no individual person will suffer thereby.

Questions concerning disclosure in accordance with the first paragraph shall be considered by the party responsible for the documents. If this party considers that some document or parts of a document should not be disclosed, he or she shall immediately with a statement of his or her own opinion hand over the issue to the Family Law and Parental Support Authority for consideration.

Section 8 d

It should at all times be possible to repay funds that an applicant has paid to an authorized association and which do not relate to compensation for fees earned, costs incurred or disbursements made, unless otherwise agreed. Such funds shall be held separately from the authorized association's own funds.

Section 8 e

An authorized association shall have financial funds to wind up the association.

Section 9

The Family Law and Parental Support Authority is entitled to inspect an authorized association's operation and may obtain the information and be given access to the documents necessary for the supervision.

A party whose operation is inspected is liable to provide the assistance necessary upon the inspection.

Section 9 a

The Family Law and Parental Support Authority may order an authorized association to remedy deficiencies in the intermediation operation.

Section 10

Authorization to work with intercountry adoption intermediation in Sweden shall be revoked if the preconditions referred to in Section 6 no longer exist. Such authorization shall also be revoked if the association does not provide the Family Law and Parental Support Authority with the information or documents requested in accordance with Section 9 or comply with the decision of the Authority under Section 9 a. The same also applies if the association has not intermediated any child during the last two years, unless there are special reasons.

Authorization to work with intercountry adoption intermediation in another country shall be revoked, if the preconditions referred to in Section 6 or Section 6 a no longer exist.

An authorization shall also be revoked if the association has not satisfied the conditions imposed for the authorization.

Section 11

Repealed

Section 12

If an authorized association has refused intermediation of an adoption in a particular case, the Family Law and Parental Support Authority may upon request by the person or persons applying for adoption direct the association to nevertheless intermediate the adoption.

Obligation of secrecy

Section 13

A person who is or has been active within an authorized association may not improperly divulge matters thus coming to his or her knowledge regarding the personal circumstances of individuals.

Appeals

Section 14

A decision of the Family Law and Parental Support Authority in accordance with Section 4 third sentence, Section 6, Section 6 a first paragraph, Section 7 first paragraph, Section 9 a and Section 10 may be appealed against to a general administrative court. Review permit is required to appeal to the Administrative Court of Appeal.

The provisions contained in Chap. 6 Section 7-11 of the Public and Official Secrets Act (2009:400) apply regarding appeals against decisions of the Family Law and Parental Support Authority under Section 8 c second paragraph.

Decisions of the Family Law and Parental Support Authority may not otherwise be appealed against.

Liabilities

Section 15

A person providing intercountry adoption intermediation contrary to Section 3 shall be fined. The same shall apply to a person who, contrary to Section 4, has a child removed from the country where it is domiciled.

Penal Code (1962:700)

Chap. 7

Section 2

Whosoever, upon another's adoption of a person under eighteen years of age, by means of unlawful coercion or misrepresentation or by means of offering or giving unauthorised payment, procures consent or permission for such an adoption, is guilty of unauthorised procurement of consent or permission to adopt a child and is sentenced to payment of fines or imprisonment for a maximum of two years.

Section 5

Attempted unauthorised procurement of consent or permission to adopt a child, corruption of a family's standing or unauthorised gross interference with a child is sentenced according to the penalties established in Chap. 23.

Aliens Act (2005:716)

Chap. 5 Residence permits

Residence permits on the grounds of ties with Sweden

Section 3

Unless otherwise provided in Sections 17–17b, a residence permit shall be given to

1. an alien who is a spouse or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
2. a child who is an alien, is unmarried and
 - a) has a parent who is resident in or has been granted a residence permit to settle in Sweden or
 - b) has a parent who is married to or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
3. a child who is an alien, is unmarried and has been adopted or is intended for adoption by someone who at the time of the adoption decision was and who still is resident in or has been granted a residence permit to settle in Sweden, if the child is not covered by point 2 and if the adoption decision
 - has been issued or is intended to be issued by a Swedish court,
 - is valid in Sweden under the Act (1971:796) on International Legal Relations concerning Adoption or
 - is valid in Sweden under the Act (1997:191) consequent on Sweden’s Accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption
4. an alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection, if the child arrived in Sweden separately from both parents or from another adult person who may be regarded as having taken the place of the parents, or if the child has been left alone after arrival.
5. an alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection, or another adult person who may be regarded as having taken the place of the parents, if the alien is outside Sweden and the decision about his or her asylum application is made in conjunction with the decision about the child’s asylum application.

When an application for a residence permit is based on a decision on adoption issued by a Swedish court, the ties that have arisen as a result of this decision shall be accepted in the residence permit case.

A residence permit under this Section shall be valid for at least one year. A residence permit granted to an unmarried child under the first paragraph, point 2 b shall be valid for the same time as the parent’s residence permit. If a new temporary residence permit is granted to an alien who, pursuant to the first paragraph, points 1, 2, 4 or 5 has been granted a temporary residence permit due to having ties with a person in need of protection, the new permit shall apply for at least two years, unless overriding reasons of national security or law and order require a shorter period of validity.

The time at which a residence permit application must be made

Section 18

An alien that wants a residence permit in Sweden, must have applied for and been granted such a permit before entering the country. An application for a residence permit may not be approved after entry. However, what is prescribed in the first paragraph does not apply if

1. the alien is entitled to a residence permit here as a refugee or a person otherwise in need of protection under Section 1 or can be granted a residence permit here pursuant to Chap. 21, Section 2, 3 or 4,
2. the alien should be granted a residence permit here pursuant to Section 6,
3. an application for a residence permit concerns extension of a temporary residence permit that has been granted to an alien with family ties pursuant to Section 3, first paragraph, point 1 or 2b or Section 3a, first paragraph, point 1 or second paragraph,
4. the alien can be granted or has a temporary residence permit pursuant to Section 15,
5. the alien pursuant to Section 3, first paragraph 1-4, Section 3a , first paragraph 1-3 or second paragraph has strong ties to a person who is resident in Sweden and it cannot reasonably be required that the alien travel to another country to submit an application there,
6. the alien is entitled to a residence permit pursuant to Section 3, first paragraph, point 5,
7. an application for a residence permit is for the extension of a temporary residence permit which, pursuant to Section 10, has been granted to an alien in cases specified in Chap. 6, Section 2, first paragraph,
8. the alien can be granted a residence permit pursuant to Section 15a or 15d,
9. the alien pursuant to Section 10 has been granted a temporary residence permit for studies and has either completed the studies equivalent to 30 ECTS credits or completed a term of postgraduate education.
10. the alien is entitled to a residence permit pursuant to Section 2a or 2d, or
11. other special reasons exist.

Nor does what is prescribed in the first paragraph apply if the alien has been granted a visa to visit an employer in Sweden or is excluded from the requirement to obtain a visa if he or she is applying for a residence permit to work in a sector of the economy where there is high demand for manpower. A further condition is that the employer would be inconvenienced if the alien had to travel to another country to submit the application or that there were other special reasons.

When assessing what is reasonable under the second paragraph, point 5, particular attention shall be paid to the consequences for a child of being separated from its parent, if it is clear that a residence permit would have been granted if the application had been examined before entry into Sweden.

With regard to a residence permit for an alien who is to be refused entry or expelled in accordance with an order that has become final and non-appealable, the regulations in Section 15a and 20 and Chap. 12 Sections 16b, 16c and 18-20 shall apply.

Act (2001:82) on Swedish Citizenship

Acquisition of Swedish citizenship by adoption

Section 4

A child under the age of twelve years who is adopted by a Swedish citizen becomes a Swedish citizen by adoption, if

1. the child is adopted in Sweden, Denmark, Finland, Iceland or Norway, or
 2. the child is adopted by virtue of a foreign adoption decision which has been approved or is otherwise valid in Sweden under the Act (1971:796) on International Legal Relations Concerning Adoption or which is valid under the Act (1997:191) consequent on Sweden's accession to The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.
-

Ordinance (2007:1020) containing instructions for the Family Law and Parental Support Authority

Tasks

Section 1

The Family Law and Parental Support Authority has the task of conducting knowledge-based work on issues that concern the municipal social welfare boards' family law matters regarding

1. child custody, residence or contact,
2. establishment of paternity and parenthood, and
3. cooperation talks.

The Authority shall also conduct a knowledge-based work with respect to preventative measures in the areas of cooperation talks, family counselling and support to parents in their parenting to promote the child's development (parental support),

The Authority is also tasked with creating a high level of quality in the intercountry adoption activities in Sweden.

The Authority is responsible for performing the tasks to which it is obligated pursuant to

1. Act (1997:191) consequent on Sweden's accession to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption,
2. Intercountry Adoption Intermediation Act (1997:192), and
3. Ordinance (1976:834) on Examination of Foreign Decisions on Adoption

The Authority allocates government grants to authorised adoption associations and organisations for adoptees.

Section 2

The Authority shall take the United Nations Convention on the Rights of the Child into consideration when conducting its activities.

Section 3

The Authority shall, in issues regarding intercountry adoption, specifically

1. monitor that the work of the Swedish authorized associations with intercountry adoption mediation is conducted according to law and the principle of the best interests of the child as expressed in the United Nations Convention on the Rights of the Child and in the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, and in an ethically acceptable way otherwise,

2. observe the international development and in that connection gather information on issues relating to adoption of foreign children,

3. observe the development of costs for adoption of foreign children,

4. conduct information operations and also provide information and assistance to authorities and organisations.

The Authority may also negotiate with authorities and organisations in other countries on issues relating to international adoptions.

Reporting

Section 4

The annual report issued by the Authority shall describe developments in its sphere of activity, shed light on current problems and present the measures that it has taken.

Coordination

Section 5

The Authority shall consult with other authorities and organisations, who are engaged in activities referred to in section 1. The Authority is also tasked with coordinating parental support pursuant to Section 1, second paragraph.

Direction

Section 6

The head of the Authority directs its activities.

Section 7

The Authority shall have a Council consisting of no more than nine members.

Positions and commissions

Section 8

The Director-General is the head of the Authority.

Exemption from the Authorities Ordinance

Section 9

The Authority shall not be subject to the following provision of the Authorities Ordinance (2007:515):
Section 29 concerning the list of matters
