

# GUIDELINE

## RIGHT TO EDUCATION FOR CHILDREN AND YOUNG PEOPLE WITHOUT BEING REGISTERED IN SWEDEN

Diary Number	Established/last updated	Decision-making body	Responsible political body	Responsible Process owner
UBN 2021/120	2021-09-23	The Board of Education	The Board of Education	Director of Education, Susanne Nord
Guideline	Right to education for children and young people without being registered in Sweden			

### Purpose of the document

To clarify the regulations on the right to education for children and young people who stay in Nacka without being registered in Sweden and Nacka municipality's application of the regulations.

### The document is valid for

To clarify the regulations on the right to education for children and young people who stay in Nacka without being registered in Sweden and Nacka municipality's application of the regulations.

The guideline describes the national regulations for which children and young people staying in the country without being registered as citizens who have the right to education and Nacka municipality's application of the regulations.

Chapter 29 of the Education Act regulates the right to education for these children and young people. The right to education that the child or young person has depends on the reason for the stay in Sweden in combination with the type of. The guideline is therefore categorised according to the reason for residence in Sweden as set out in the Education Act.

As the municipality of residence for these children and young people, the Department of education (Utbildningsenheten) is responsible for ensuring that those who have the right to education based on the provisions of the Education Act and specially made decisions are also offered it. On the other hand, children who stay in Sweden without being registered in the country are not obliged to attend school (though it is compulsory for pupils registered in Sweden).

After the child or young person has received a place in a school, the responsibility for the reception passes to the head teacher and principal.

## **Applying for preschool and compulsory school**

In order to be able to make an application for a preschool or school in Nacka, approval is first required if the right to education is established. The application is made digitally on [www.nacka.se](http://www.nacka.se) and the education authority assesses whether the right to education exists.

A family that has been approved for education in Nacka must make their choice of preschool or school on equal terms as registered Nacka families and also be offered a place at a preschool or school on equal terms.

## **Applying for upper secondary school**

Young people who apply for a national program apply, like other students, during the application period at “Gymnasieantagningen Stockholms län”. Young people who are applying for a language introduction, “språkintröduktion”, or other introductory program also apply through the upper secondary school admissions office if the students are to start their education at the start of the autumn term. An assessment is made by an education authority if the right to education exists.

Young people who are applying for “språkintröduktion” after the time of regular upper secondary school admission make a digital application on [www.nacka.se](http://www.nacka.se). The education authority assesses whether the applicant is entitled to education and notifies the chosen upper secondary school of the decision.

## **Documentation of the right to education is available**

For all categories of applicants, passport copies or other identity documents are required, as well as lease or purchase contracts or other documentation that shows that the persons are staying in Nacka municipality. If additional documentation is required, it is stated under the respective heading for the basis for the stay in Sweden.

If the parent/guardian has received a work permit, it must be noted on the residence card. It shows that guardians thus have the right to preschool due to work. The guardians who apply for preschool must, in addition to the residence permit, also attach an employment contract or admission certificate for education.

For guardians who state that they are jobseekers and have the right to work, a certificate from the employment service must be attached.

## **Grounds for stay in Sweden**

### **Asylum seekers**

Asylum seekers must enclose copies of all family members' LMA cards issued by the Swedish Migration Agency. If the asylum seeker has a guardian, a certificate of representation must be attached to the application. The residential address in Nacka stated in the application is always checked with the Swedish Migration Board to ensure that the information is correct.

### **Preschool**

If guardians seeking asylum have been granted a work permit during the asylum process, preschool can be granted on the same grounds as for nationals. Asylum seekers, on the other hand, are not entitled to studies in municipal adult education, "svenska för invandrare". Work permits are stated on the LMA card by the designation AT-UND.

Public preschool, "Allmän förskola", is granted on the same grounds as for registered children.

### **Compulsory school (förskoleklass och grundskola)**

The right to education, but not compulsory schooling for pupils not registered in Sweden.

### **Upper secondary school and upper secondary special school**

According to the Education Act, asylum-seeking young people are only entitled to upper secondary education if the education started before the age of 18. On the other hand, a student can switch to another introductory program after the age of 18 as the various introductory programs are seen as one education.

As the Swedish Migration Agency pays state subsidies to municipalities for asylum-seeking pupils who start a national program after the age of 18, provided that they started the introductory program before the age of 18, these students are also approved for education.

### **EU citizens (according to EU law) and assimilated persons**

EU citizens residing in the country according to EU law, as well as EEA citizens and citizens of Switzerland, have the right to education on equal terms as persons registered in Sweden. Requirements for documentation are employment contracts, study certificates or anything else that proves EU law.

### **Mission of a foreign power or paid consulate or its service**

The following regulations only apply to persons who are not subject to EU law.

#### **Preschool**

No right to education.

#### **Compulsory school (förskoleklass och grundskola)**

Right to education, but not compulsory schooling for pupils not registered in Sweden.

#### **Upper secondary school and upper secondary special school**

No right to education.

### **Persons staying in the country without the support of a legal decree or constitution (undocumented migrants)**

The application must be accompanied by a decision from the Swedish Migration Agency on deportation or other documentation proving that the person is staying here as undocumented and not staying here as, for example, a tourist.

The registration of undocumented families in the student register is handled in a special way.

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No right to education.

#### **Compulsory school (förskoleklass och grundskola)**

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#### **Upper secondary school and upper secondary special school**

These young people are only entitled to upper secondary education if the education started before the age of 18. On the other hand, a student can switch to another introductory program as the various introductory programs are seen as one education.

### **Persons residing in the country with a temporary residence permit according to the Aliens Act**

This section of the Education Act refers to children of guardians who are staying in the country and for whom a preliminary investigation leader applies for a residence permit (UL Chapter 5, Section 15). The Swedish Migration Agency's issued residence permit must be attached to the application.

#### **Preschool**

Right to education.

#### **Compulsory school (förskoleklass och grundskola)**

Right to education, but not compulsory schooling for pupils not registered in Sweden.

#### **Upper secondary school and upper secondary special school**

These young people are only entitled to upper secondary education if the education begins before the age of 18. On the other hand, a student can switch to another introductory program as the various introductory programs are seen as an education.

#### **Persons with a residence permit valid for at least one year**

If a person has been granted a residence permit for at least one year, an arrival-stamped copy of the application for registration with the Swedish Tax Agency must be attached to other documents.

The assessment is then that the person should be regarded as registered and thus have the right to education on equal terms as others registered.

## Small glossary

### Asylum seekers

Asylum seekers are those who go to Sweden and apply for protection (asylum) here, but who have not yet had their application adjudicated. In order to be entitled to work during the time as an asylum seeker, the person must have proof of the exemptions from the obligation to have a work permit (AT-UND), which is stated on the LMA card.

### EU law

EU/EEA citizens have the right to work, study or live in Sweden without a residence permit. They also have the right to start and run their own business. The right of EU/EEA citizens to stay in Sweden without a residence permit is called a right of residence. The right of residence has, for example, employees, self-employed persons, students or persons who have sufficient means of self-sufficiency. Persons with a right of residence in Sweden do not need to contact the Swedish Migration Board.

### Refugee

The Swedish Migration Agency decides on refugee status. Residence permits are issued for three years and refugees then have the right to work.

### Population Registration Act

A person is considered resident in Sweden if he or she can be assumed to stay in the country for at least one year and must thereby be registered in the population register. To be registered in Sweden, a residence permit is required that is valid for at least one year. Residence permits do not apply to EU citizens.

### Quota refugee

UN refugee agency. UNHCR assesses which people are in need of resettlement to a new home country. Quota refugees are granted a permanent residence permit.

### LMA card

Everyone who applies for asylum in Sweden receives an LMA card. The card is proof that the person is an asylum seeker and has the right to be in the country during the asylum process. The LMA stands for the Act on the Reception of Asylum Seekers.

### Residence permit card

The residence permit card contains information about the type of permit the person has received and how long the card is valid. On the back of some cards is the text "May work" with. This applies in cases where it is not directly stated in the order that the person has the right to work, for example for those persons who have been granted a permanent residence permit.