



Summary and recommendations

Background

Robust and clearly reported impact assessments ahead of decisions facilitates the choice of effective policy options. In addition, they contribute to controlling costs, effects and side-effects. They also provide referral bodies with better prospects of making qualified comments and allow those affected by the draft bills to prepare themselves. The Riksdag has on several occasions called for impact assessments, for example when the Government submits proposals for new legislation. In several policy and supporting documents the Government and Government Offices have clarified the need for impact assessments when drafting bills. The requirements include analysis of effects on fiscal and municipal economy, as well as effects in a number of subject areas such as integration and gender equality.

Migration policy and its outcome are of great importance for many agencies, municipalities and individuals. Government expenditure in this area has been increasing for several years and increasingly exceeded the long-term forecasts. The Swedish NAO has therefore audited the impact assessments ordered by the Government from government committees and inquiries and the Government Offices ahead of 26 migration policy bills in the years from 2004 to 2015. The audit was mainly carried out in the form

of a document study of the bills as well as background material in the form of inquiry reports (Swedish Government Official Reports, SOU) or ministry memoranda in the Ministry Publications series (Ds). The proposals in the draft bills deal with several substantive, procedural and organisational changes that affect asylum seekers, persons in need of protection and their relatives up to the decision on the residence permit. The audit covers questions on whether the assessments ahead of decisions meet the requirements under applicable policy documents and whether they are otherwise appropriately designed for their purpose. The audit did not include evaluation of the actual effects of the decisions.

The policy documents' requirements for impact assessments are seldom fully met

One of the main findings of the audit is that only a few of the audited inquiry reports and ministry memoranda describe the impact in a way that fully meets the policy document requirements. The weaknesses in these reference data are then also reflected in the bills. For example, the requirements for comprehensive, long-term and dynamic analysis of economic effects are only met in exceptional cases. More than half of the background documents entirely lack any description of possible municipal impact. In the cases when economic effects on central and local government activities are described, there is often no explanation for how they have been calculated and the underlying assumptions. This makes it more difficult for referral bodies to assess the analysis and make qualified comments on the draft bills.

Descriptions of impacts other than economic, which should be given under the Committees Ordinance, are generally very short or non-existent. When other impacts are mentioned, it is usually with a single sentence to state that there is no impact. Only three of the audited migration policy bills contain arguments concerning their possible impact on integration, and no draft bills specify any impact on gender equality.

The appropriateness of the assessments is deficient, but there are exceptions

The impact assessment requirements imposed, mainly in the Committees Ordinance and the Government Offices guidelines for impact assessment, are not deemed to be sufficient to ensure the appropriateness of the assessments for referral bodies, decision-makers or agencies, municipalities and others affected by the decisions. The National Financial

Management Authority's guidance on regulatory impact assessment, like many other supporting materials in the area, highlights further factors that characterise an appropriate analysis. These include starting the analysis early in the process and in parallel with the drafting of the bills. The analysis should also be based on an accepted methodology and be reported transparently and in full, including method, assumptions, data and other reference material, so that it can be checked or replicated. In addition, the analysis should assess risks and uncertainties of the draft bills. The Swedish NAO has audited whether the impact assessments fulfil these conditions but issues no opinion concerning the specific methods or knowledge base used.

Robust assessments that by and large fulfil the above standards exist in individual items of preparatory material audited, but these are exceptions. In so far as any particular methodology, data or other reference material is used in the assessments, this is seldom reported in a way that enables external quality assessment or repetition of the analysis. Observations made in the audit indicate that impact assessments are sometimes carried out late in the investigation process and that the analysis is not always integrated with the drafting of the proposed bill. Bearing in mind that the number of people who apply for residence permits may vary for many reasons difficult to predict, it is particularly important that risks and uncertainties associated with the draft bills are presented. This is only done in isolated cases, however.

The impact of draft bills on migration is not always analysed

The previously mentioned shortcomings as regards impact assessment can be partly understood in light of the fact that the preparatory material often does not present assessments of the impact of the bills with respect to the number of people who apply for or are granted residence permits. In the cases where the impact of the bills is assessed, it is usually stated that there is no impact on migration or that it is only marginal. The audit only found one case where the effects of a proposed bill on the number of residence permits granted was calculated. The fact that the effects of the draft bills on migration are not assessed, or that the assessments are not quantified, is a probable explanation for why other impacts cannot be assessed adequately either.

An incomplete description of assumptions, calculations and other knowledge bases also in this respect leads to referral bodies and others concerned finding it difficult to assess how reliable the arguments and conclusions are. References to migration research and proven experience are rare in the material. In one single case, where experience from

similar reforms in other countries is described, the Government makes a different assessment of the effects than the experience described indicates. The Swedish NAO has not evaluated the actual effects of individual proposals, but research and policy experience from Sweden and other countries indicates that several of the proposals in the material audited to a greater or lesser extent can be expected to impact the number of people who apply for a residence permit in Sweden in either direction.

The lack of in-depth impact assessments may be due to the fact that the proposals are not always expected to have any major material impact. However, in consultation responses and interviews conducted, attention is drawn to the fact that even decisions that have limited impact individually may together have a greater combined impact. In the preparatory material and draft bills audited there are, however, no arguments concerning the possibility that the combined effects differ from the sum of the parts. The effects of migration policy regulation in Sweden also depend on the design of migration policy in the rest of the world. Nevertheless, it is only mentioned in one item of preparatory material that the outcome in Sweden could be affected by how regulations in other countries are designed. Neither preparatory material nor draft bills referring to implementation of EU regulations contain any analysis of how application in Sweden relates to other countries or how it may impact the outcome here.

Finally, research and experience expressed in interviews indicate that the effects of migration policy regulations may partly be affected by how they are communicated and whether the information reaches the people concerned. These effects may be difficult to assess in advance and there are no arguments concerning them in the material examined.

The assessments could be developed

The Swedish NAO has not compared the impact assessments ahead of migration policy decisions with corresponding assessments in other areas. Nor has any in-depth examination been made of possible reasons for the deficiencies found. Nevertheless, in the audit work a number of observations were made concerning the possibilities of developing assessments when drafting migration policy bills.

The impact assessment requirements of the policy documents are extensive. At the same time, the investigation work must be carried out with limited staffing and time. This is probably a partial explanation for the fact that the assessments are short and may seem to be hastily prepared. Policy and support documents for investigators are also in some respects unclear and not updated. For example, the current version of the Committee Handbook is dated October 1999, despite the fact that the Committees Ordinance has been amended since then and a new Ordinance on regulatory impact assessment has come into existence. The Handbook also refers to obsolete bills and communications, and

since it was written extensive newer literature on economic and other impact assessments has come into existence.

The guidelines and supporting material for producing and presenting impact assessments when compiling preparatory material within the Government Offices are also in some respects unclear. The guidelines impose in part lower requirements on assessments than the Committees Ordinance. However, supporting material that is to provide guidance when applying the guidelines prescribes more assessments than those specified in both the guidelines and the Committees Ordinance. There may be intrinsic reasons for the Government sometimes wishing to make other requirements on preparatory work in the Government Offices than on external inquiries. From the point of view of referral bodies and others concerned, the need is the same however, regardless of whether the material is produced by the Government Offices or an inquiry chair, and the motives for the differences in the various policy and supporting documents seem unclear in some respects. In the earlier part of the period audited most draft bills were based on one or more reports in the Swedish Government Official Reports (SOU) series, but subsequently an increasing proportion of the draft bills have been based on material prepared within the Government Offices, usually in the form of a ministry memorandum in the Ministry Publications series (Ds). Overall, the impact assessments in the Ds series are shorter than in the Swedish Government Official Reports (SOU), which can only partly be explained by the fact that some of the Ds series memoranda refer to minor adjustments of a technical nature.

In conclusion, the Swedish NAO considers that the access to data on actual volumes and costs in the activities concerned does not constitute any significant limitation on the possibilities of producing well-developed impact assessments. The access to research and experience that contributes to estimating the effects of migration policy instruments has gradually improved in the period audited, there are additional guides on methods for impact assessments and there are also accepted methods for presenting risks and uncertainties.

The Swedish NAO's recommendations

The findings and analyses made by the Swedish NAO in the audit show deficiencies but also that there are good prospects of developing impact assessments in the preparatory work ahead of migration policy decisions. On the basis of the audit findings the Swedish NAO recommends the following to the Government Offices.

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- *Ensure that impact assessments ahead of migration policy decisions are produced in accordance with the requirements of the Committees Ordinance, the guidelines for the work on impact assessments in the Government Offices and the manual on drafting bills.* The Swedish NAO would also like to draw attention to the formulation in the manual on drafting bills: “Problem and impact assessments carried out during the preparatory work should of course be presented in the government bill or proposal referred to the Council on Legislation in which the proposals are presented.”
 - *Develop the quality of the assessments.* To improve the appropriateness of the assessments for referral bodies, decision-makers and others concerned, it is of particular importance that the assessments are presented transparently enough to be replicated and examined by external actors. The audit shows that there is both the need and conditions for improving the assessment of the impact of draft bills on the number of people who apply for or are granted residence permits. In light of the fact that migration varies, partly due to external factors that are difficult to predict, it is also important to improve the preparatory material concerning risks and uncertainties.
 - *Consider the need to improve support to investigation work with respect to impact assessments.* It appears to be particularly important to update the Committee Handbook dated 1999. A review of guidelines and supporting material for production and presentation of impact assessments for internal investigation work in the Government Offices should also be considered.