SUPREME COURT'S
JUDGMENT

delivered in Stockholm on 7 May 2026

Case no.
B 1864-25

PARTIES

Appellant

S.B.

Counsel and Public Defender: Attorney E.S.

Respondent

Prosecutor General

Box 5553

114 85 Stockholm

THE MATTER

Expulsion

RULING APPEALED

Judgment of the Göta Court of Appeal of 2025-02-07 in case B 3811-24

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JUDGMENT

The Supreme Court modifies the judgment of the court of appeal such that the decision regarding expulsion is overturned. In other respects, the judgment of the court of appeal is affirmed.

E.S. shall receive compensation from public funds for the defence of S.B. in the Supreme Court of SEK 77,985. Of the amount, SEK 47,479 relates to work, SEK 10,409 relates to loss of time, SEK 4,500 relates to outlays and SEK 15,597 relates to value added tax. The State shall bear the cost.

CLAIMS IN THE SUPREME COURT

SB has claimed that the charge and damages claim are to be dismissed and, in any event, that the sanction and damages are to be reduced. As regards expulsion, he has primarily claimed that the expulsion decision is to be overturned and, in the alternative, that the duration of the re-entry ban is to be reduced.

The Prosecutor General has opposed modification of the judgment of the court of appeal.

The Supreme Court has granted leave to appeal as set forth in paragraph 4.

REASONS FOR THE JUDGMENT

Background

1. S.B. is 34 years old. He is a citizen of Iraq and was born and raised in Sweden. He has held permanent residence since shortly after birth.

2. The district court sentenced S.B. for attempted murder to imprisonment for fourteen years and expelled him subject to an indefinite re-entry ban.

3. The court of appeal has determined the sanction to be imprisonment for twelve years. The court of appeal has also been of the position that S.B. shall be expelled from Sweden and banned from returning here.

4. The Supreme Court has granted leave to appeal on the issue of expulsion.

What is at issue in the Supreme Court

5. The main question in the case is whether – taking into account S.B.'s ties to Sweden – it is proportionate to expel him due to the offence for which he has been found guilty.

Expulsion due to offence

6. In the *"Expulsion and Ties I"* and *"Expulsion and Ties II"* cases, NJA 2025, p. 343 I and II, the Supreme Court provides an account of the basic conditions for expulsion, what applies to aliens who came to Sweden as young persons, and of the balancing between the criminal activity and ties to Sweden (see paras. 9–31 of the rulings).

7. In summary, the question regarding expulsion is to be determined on the basis of an overall assessment in which the reasons for expulsion are balanced against the alien's ties to Sweden. It is required that the grounds for expulsion outweigh the opposing interests and that the expulsion is proportionate in light of the offence for which the alien is convicted, any recidivism on his or her part, and the risk of future recidivism.

Specifically regarding the alien's ties to Sweden and establishment here

8. Within the context of considering the alien's ties to Sweden, specific consideration shall be given to the extent to which the alien has established him or herself in Swedish society and the alien's family relationships here (see Chapter 8 a, Section 2 of the Aliens Act, 2005:716).

9. The balancing to be carried out is intended to achieve a reasonable proportion between the criminal activity and the consequences entailed in an expulsion for the individual. The stronger the reasons for expulsion, the stronger the ties must be in order for expulsion not to occur. As regards the reasons for expulsion, the penalty value of the criminal activity and its character are what carry weight, as well as the risk of recidivism. This entails, among other things, that the higher the penalty value, the stronger the ties must be in order for expulsion not to occur. (See the *"Expulsion and Ties I"* case, paras. 21 and 22).

10. In conjunction with the assessment of whether the alien has established him or herself in Swedish society and, thereby, of the ties to Sweden, consideration is to be given to, among other things, work conditions, including school attendance and other studies, as well as residential situation. In addition, weight is to be ascribed to the extent to which the alien commands the Swedish language and the manner in which the alien has otherwise settled him or herself into society. Certain types of offences such as honour-related offences may in themselves suggest inadequate adaptation to Swedish norms and conditions. A person who is involved in repeated criminality or otherwise lives outside regular society should be regarded as weakly established. This may be deemed to be the case particularly in conjunction with criminal activity within the context of criminal networks. (See the "*Expulsion and Ties I*" case, para. 23.)

11. The mere fact that the alien has been found guilty of a serious offence cannot, however, lead to the conclusion that the alien is to be regarded as weakly established in Swedish society.

12. As regards persons who have lived in Sweden since birth or from a very young age, there must be very weighty reasons for an expulsion to be considered. The starting point is that such a person has strong ties to Sweden, but the actual connections which exist are decisive. When the weight to be ascribed to the offence committed is assessed, the qualified conditions set forth in Chapter 8 a, Section 5 constitute the minimum requirements. In conjunction with the balancing in accordance with Section 2, it is necessary that the reasons for expelling the person are considerably stronger than the minimum requirements in order for expulsion to take place. (See the *"Expulsion and Ties I"* case, paras. 24 and 25.)

13. For the assessment of the extent to which an alien has established him or herself in Swedish society – and thereby the ties here – the basis of the alien's presence in the country and whether he or she is here legally can have weight. A grant of permanent residence suggests a more solid establishment and thereby stronger ties than a grant of temporary residence. According to the preparatory works, consideration is also to be given to the alien's remaining connections to his or her home country in the assessment of the establishment in Sweden. (See the "*Expulsion and Ties I*" case, para. 26.)

14. The assessment is not to be based on particulars but, rather, shall be carried out on the basis of a weighing of all circumstances relating to the alien's living circumstances (see the "*Expulsion and Ties I*" case, para. 27).

15. Living circumstances can change over time in such a manner that an alien who was raised and settled in Sweden must, at a later stage, nonetheless be deemed to be weakly established here. In order for this to be

regarded as the case, however, it is necessary that the matter be one of a significant development which, for example, clearly demonstrates a criminal lifestyle.

16. The fact that an alien, for example, has been unemployed for periods of time or, due to economic or other difficulties, has not had a residence of his or her own does not in itself entail that a previous establishment and ties are to be deemed to be weakened in such a way that they are to be ascribed decisive weight in the assessment in accordance with Section 2.

17. As regards family connections, the court is to consider whether the alien has children in Sweden, the status of the relationships in the individual case, and the manner in which they would be affected if he or she was expelled. Other family relationships are also to be taken into account. Family principally means spouses or cohabitees or, in the event the alien is a minor, his or her parents, but also other family relationships can be considered. (See the "*Expulsion and Ties I*" case, para. 28.)

The assessment in this case

18. According to the judgment of the court of appeal which, in that respect, has become legally binding, S.B. has been sentenced for attempted murder to imprisonment for twelve years.

19. Since S.B. was born in Sweden and thus came here before the age of 15 years and has been present here his entire life, expulsion may take place only if any of the qualified conditions in Chapter 8 a, Section 5 of the Aliens Act are fulfilled. S.B. is guilty of criminal activities with a penalty value comparable to imprisonment exceeding two years. Accordingly, the condition set forth in Section 5 (1) is fulfilled.

20. The offence for which S.B. was found guilty is very serious. According to what has been deemed to be established, the attempted murder

was carried out with intent. The danger of completing the offence was very great, and S.B. had taken the steps necessary in order to complete the crime. The penalty value is high. Taking into account these circumstances, the reasons for expulsion are very strong. However, in the assessment, consideration should also be given to the fact that the matter involved a brief, impulsive chain of events. The victim and an additional person arrived at the location to in some manner confront S.B. who, initially, appears to have attempted to avoid them. Thus, a planned offence was not involved.

21. S.B. has previously been convicted of crimes of a type other than the one at hand including narcotics offences, assault and threatening a public servant. Against this background, there must be deemed to be a certain risk of continued criminal activity of that kind. However, there is no basis for assuming that there is a risk that S.B. will regress to crimes of the same serious type as that for which he is now convicted.

22. In opposition to the aforementioned, S.B.'s ties to Sweden are to be considered. He was born and raised here and, since shortly after his birth, holds permanent residence. He is currently 34 years old. His parents, siblings and other relatives are in Sweden. He speaks Swedish and has completed primary-secondary school and upper-secondary school here. In addition, consideration is to be given to the fact that, for extended periods of time, he had a job and structured living conditions. He has had an extended relationship with a girlfriend, a relationship which, according to information provided by him, has been reinstated. These are circumstances which entail a strong connection to Sweden and thereby strongly weigh against expulsion.

23. It is further apparent from the investigation that he has periodically been unemployed and without his own residence and thereupon resided

temporarily with his mother and, for a period of time, has used hashish and, as noted above, has been engaged in some criminal activity. At the same time, it is apparent from the investigation that, both during his school years and thereafter, he principally lived under relatively orderly circumstances. The trend can admittedly be said to be negative to some extent but not to such a degree that he can now be deemed to live outside regular society or to otherwise be weakly established here.

24. S.B. has never visited Iraq and does not speak the language there. He does not have any family or other relatives in Iraq. Over and above citizenship, he accordingly lacks a connection to the country.

25. Thus, there are compelling reasons which both support and oppose expulsion. In the balancing to be conducted in accordance with Chapter 8 a, Section 2, however, the circumstances – particularly S.B.'s strong ties to Sweden – taken together are such that it would not be proportionate to expel him notwithstanding that he committed a very serious offence.

26. The judgment of the court of appeal shall be modified in accordance herewith.

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Justices of the Supreme Court Anders Eka, Agneta Bäcklund, Cecilia Renfors, Anders Perklev and Erik Sjöman (reporting Justice) participated in the ruling.
Judge Referee: Erika Hed.