

The Migration Court of Appeal

Within the Administrative Court of Appeal in Stockholm is the Migration Court of Appeal which deals with foreigners and citizenship cases. The Migration Court of Appeal is the final court in these cases. The primary task of the Migration Court of Appeal is to create precedent, that is to say, through its rulings it shall guide the migration courts and authorities as to how the law shall be interpreted and applied. It is only in certain cases that a ruling can provide such guidance. Therefore, there is no right to an appeal against a migration court's ruling or a decision reviewed by the Migration Court of Appeal.

A leave to appeal is required for the Migration Court of Appeal to review a case. The Migration Court of Appeal receives a large number of applications for leave to appeal every year. Leave to appeal will only be provided in a limited number of these cases.

In the following cases, the Migration Court of Appeal may provide leave to appeal

- **Leave to appeal for reasons of precedence**

As a general rule, leave to appeal in the Migration Court of Appeal is only notified in cases where it is necessary to be informed of the legal situation, i.e. when guidance is required as to how to interpret the law. There must be a need for a ruling (precedent) that can provide guidance for migration courts and the authorities as to how other similar cases should be evaluated in the future.

- **Leave to appeal on the grounds of special reasons**

Leave to appeal may also be granted if there is a special reason. For example, the Migration Court is guilty of serious negligence or a serious mistake which has affected the outcome of the case.

The fact that a case is important for an individual however, is not sufficient for the Migration Court of Appeal to hear an appeal. Nor has the Migration Court of Appeal a so-called amendment exemption (see item 2 above). The fact that the Migration Court of Appeal should have produced a different assessment is not sufficient for the Migration Court of Appeal to provide leave to appeal.