



**The different national
practices concerning granting
of non-EU harmonised
protection statuses**

ANNEXES

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ANNEXES

Table 1 - Overview of refugee statuses and subsidiary protection granted on grounds not covered by Council Directive 2004/83/EC and/or on the basis of national law

Table 1- Overview of refugee statuses and subsidiary protection granted on grounds not covered by Council Directive 2004/83/EC and/or on the basis of national law						
Member State	Name of protection status ¹	Within or outside asylum procedure	At which stage does the assessment take place? ²	Grounds/Requirements ³	Duration of stay ⁴	Rights ⁵
Refugee statuses granted on grounds not covered by Council Directive 2004/83/EC and/or on the basis of national law						
Bulgaria	Asylum	Unclear The report states that conditions and procedures for the granting of this particular form of asylum shall be established by law.	Unclear The articulation with the regular asylum procedure is not clearly explained. National refugees authority responsible for establishing the facts and circumstance President of the Republic of Bulgaria deciding on the case.	1) Foreigners who are victimised for reasons of their convictions or activity in defence of internationally recognised rights and freedoms 2) Discretionary element	Similar to refugee status granted on the grounds covered by Council Directive 2004/83/EC	Similar to the ones attached to refugee status granted on the grounds covered by Council Directive 2004/83/EC
Czech Republic	1) Asylum on humanitarian ground in a case worthy of special consideration 2)Asylum for the purpose of family	Within	As part of the assessment if the requirements for refugee status or subsidiary protection are met	1) On the basis of administrative consideration - Humanitarian reasons can include, for example, seriously ill or handicapped persons, persons of a higher age, unaccompanied minors, neonates of unaccompanied minors 2) Granted to a family member of a recognised refugee, who was granted asylum as defined in	Similar to refugee status granted on the grounds covered by Council Directive 2004/83/EC	Similar to the ones attached to refugee status granted on the grounds covered by Council Directive 2004/83/EC

¹ As provided in the national report

² E.g. after/as part of the assessment if the requirements for refugee status or subsidiary protection are met; when a negative decision to the application of international protection is given; when an expulsion order is issued; etc.

³ Focus on the grounds; only insert requirements if deemed important.

⁴ E.g. temporary residence permit of one year, renewable.

⁵ Please try to provide a short overview where possible (e.g. split cell to discuss education, travel documents, access to employment, etc.). If too complicated, please mention this and we can decide what to do afterwards.

Table 1- Overview of refugee statuses and subsidiary protection granted on grounds not covered by Council Directive 2004/83/EC and/or on the basis of national law

Member State	Name of protection status ¹	Within or outside asylum procedure	At which stage does the assessment take place? ²	Grounds/Requirements ³	Duration of stay ⁴	Rights ⁵
	reunification			the Geneva Convention or on humanitarian grounds, in a case worthy of special consideration.		
Germany	Persons entitled to asylum	Within Foreigners who have been recognised by the Federal Office for Migration and Refugee as being subject to political persecution as the result of an asylum procedure carried out in accordance with the Asylum Procedure Act should be issued with a residence permit.	When an asylum application is lodged by a third country national, the Federal Office for Migration and Refugees assesses whether one of the following statuses can be granted: - asylum in accordance with the German Basic Constitutional Law - refugee status - subsidiary protection status	Persons who are subject to political persecution: foreigner in question must be exposed to political persecution in his/her country of origin – that is to say, if he or she needs to worry about targeted violations of his/her rights at a nationwide level in connection with his/her political conviction, basic religious choices or characteristics beyond his/her control that mark him or her out as being different. This political persecution must proceed from the state or be prompted or approved of by the state, or at least the state must, through inaction despite having the capability to provide protection, have acquiesced in it. It may also be exercised by quasi-state organisations who have supplanted the state.	Same as refugee status granted on the grounds covered by Council Directive 2004/83/EC	Same as the ones attached to refugee status granted on the grounds covered by Council Directive 2004/83/EC
Hungary	Refugee status based on special consideration	Unclear Special procedure -Directly granted by the Minister responsible for asylum matters instead of the Office of Immigration and Nationality	Unclear	Discretionary	Similar to refugee status granted on the grounds covered by Council Directive 2004/83/EC	Similar to the ones attached to refugee status granted on the grounds covered by Council Directive 2004/83/EC

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Member State	Name of protection status ¹	Within or outside asylum procedure	At which stage does the assessment take place? ²	Grounds/Requirements ³	Duration of stay ⁴	Rights ⁵
Poland	Asylum	Outside – special procedure. A third-country national may apply for asylum directly to the Head of Office for Foreigners or, if the third-country national stays outside the Republic of Poland, he/she may apply through a respective consul. His/her application is then transferred to the Head of Office for Foreigners and a special visa is issued to the applicant to allow his/her entry in the territory of Poland and his/her participation in the procedure.	The assessment is made upon the application for national asylum.	<p>A third-country national may be granted asylum, upon his/her application, if the asylum is necessary for providing him/her with protection and when vital interests of the Republic of Poland are at stake.</p> <p>Both prerequisites need to be fulfilled: the third-country national needs to prove that obtaining asylum shall be necessary to provide him/her with protection and the authority which deals with the case should share such opinion. The decision whether the vital interest of the Republic of Poland requires granting asylum is subject to the discretion of the authority. The vital state interest must be linked to issues of essential and fundamental meaning for Poland.</p>	A third-country national who has been granted asylum is granted a permit to settle. The permit to settle is issued for an indefinite period of time and holders of such permits are granted a residence card valid for ten years, renewable.	<p>Access to education (free education until completing post-gymnasium school and entitlement to further education in public post-secondary schools, public teacher training centres , other public institutions and higher education institutions) based on the same conditions applied to Polish nationals</p> <p>Unlimited access to labour market and entitlement to unemployment benefits</p> <p>Same entitlement to social assistance benefits as Polish nationals</p> <p>Same rights to family benefits and entitlement to apply for social pension as Polish nationals.</p> <p>Same access to health</p>

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Member State	Name of protection status ¹	Within or outside asylum procedure	At which stage does the assessment take place? ²	Grounds/Requirements ³	Duration of stay ⁴	Rights ⁵
						care as Polish nationals. Possibility to obtain a Polish travel document or a temporary travel document Right to family reunification
Portugal	Refugee Status for activities in favour of democracy, freedom and human rights	Within	As part of the assessment if the requirements for refugee status or subsidiary protection are met	Third-country nationals and stateless individuals who are being persecuted or are seriously threatened by persecution as a consequence of their activities in favour of democracy, social and national liberty, peace amongst peoples, freedom and human rights.	Similar to refugee status granted on the grounds covered by Council Directive 2004/83/EC	Similar to the ones attached to refugee status granted on the grounds covered by Council Directive 2004/83/EC
Subsidiary protection granted on grounds not covered by Council Directive 2004/83/EC						
Austria	Subsidiary protection status	Within	As part of the assessment if the requirements for refugee status or subsidiary protection are met	Subsidiary protection can be granted if the person's rejection at the border, forcible return or deportation to his/her country of origin would constitute a real risk of violation of article 2 or article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or of Protocol No. 6 or Protocol No. 13 to the Convention	Same as the subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC	Same as subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC
Bulgaria	Humanitarian status ⁶	Within	As part of the assessment if the requirements for refugee status or subsidiary protection	Subsidiary protection may also granted for other reasons of humanitarian nature or on other grounds stipulated by the Bulgarian legislation as	Similar to subsidiary protection granted on the grounds covered by	Similar to the ones attached to subsidiary protection granted on

⁶ In Bulgarian Law on Asylum and Refugees, subsidiary protection status within the meaning of Council Directive 2004/83/EC is called humanitarian status.

Table 1- Overview of refugee statuses and subsidiary protection granted on grounds not covered by Council Directive 2004/83/EC and/or on the basis of national law

Member State	Name of protection status ¹	Within or outside asylum procedure	At which stage does the assessment take place? ²	Grounds/Requirements ³	Duration of stay ⁴	Rights ⁵
			are met	well as for reasons stipulated in the Conclusions of the Executive Committee of the UNHCR.	Council Directive 2004/83/EC	the grounds covered by Council Directive 2004/83/EC
Czech Republic	1) Subsidiary protection in the case of well-founded concern that the third-country national would be at a real risk of serious harm, if he/she were returned to his/her state 2) Subsidiary protection for the purpose of family reunification	Within	As part of the assessment if the requirements for refugee status or subsidiary protection are met	1) The third-country national's departure would be in conflict with the international obligations of the Czech Republic (i.e. this ground covers a relatively broad range of situations, in which expulsion of a foreign national would breach obligations particularly in the human rights area, such as Article 8 of the ECHR). 2) A family member of a person who has subsidiary protection will be granted subsidiary protection, in a case worthy of special consideration, for the purpose of family reunification, even if no reason for grant of international protection is found in the proceedings for grant of international protection.	Similar to subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC	Similar to the ones attached to subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC
Germany	Subsidiary protection	Both Decision to grant subsidiary forms of protection can be taken by the Federal Office for Migration and Refugees but also at a Länder level by the relevant foreigners' authorities.	When an asylum application is lodged by a third country national, the Federal Office for Migration and Refugees (BAMF) assesses whether one of the following statuses can be granted: - asylum in accordance with the German Basic Constitutional Law - refugee status - subsidiary protection status	-A foreigner may not be deported if deportation is inadmissible under the terms of the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms. -A foreigner should not be deported to another state in which a substantial concrete danger to his or her life and limb or liberty applies.	Granted residence permit then settlement permit after 7 years	Access to labour market: subordinate access – unrestricted access at the latest after 3 years Limited family reunification

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Member State	Name of protection status ¹	Within or outside asylum procedure	At which stage does the assessment take place? ²	Grounds/Requirements ³	Duration of stay ⁴	Rights ⁵
		The latter will happen if a foreigner does not lodge any application for asylum and only presents an “isolated application for subsidiary protection” to a foreigners’ authority	Even when no asylum application is lodged and the application for subsidiary protection is presented to a local Foreigners’ Authority, the BAMF will be responsible for assessing if the necessary preconditions are met.			
Lithuania	Subsidiary protection on additional grounds - threat to the human rights and basic freedoms of the asylum seeker	Within	As part of the assessment if the requirements for refugee status or subsidiary protection are met	To grant subsidiary protection, national law foresees the following additional grounds or criteria: <ul style="list-style-type: none"> - Fear that he will be subject to degrading treatment; - Threat arising during armed conflict faced by individual (the Law does not state that an individual has to be civilian, as it is provided in the directive); - Threat arising not only due to widespread violence during an armed conflict, but also due to widespread violence, which creates conditions for systemic human rights abuses (thus, formal examination of the definition shows that violence can arise not only during armed conflict); and - Threat that asylum seeker’s human rights and basic freedoms shall be violated. 	The same as subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC	The same as the ones attached to subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC
Portugal	Subsidiary Protection for	Within	As part of the assessment if the requirements for refugee	In situations of a serious lack of security as a result of armed conflicts or the systematic	Similar to subsidiary protection granted on the	Similar to the ones attached to subsidiary

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Member State	Name of protection status ¹	Within or outside asylum procedure	At which stage does the assessment take place? ²	Grounds/Requirements ³	Duration of stay ⁴	Rights ⁵
	Humanitarian Reasons		status or subsidiary protection are met	violation of human rights, which prevent such individuals from returning to the country of their nationality or where they habitually reside. More precise definition of serious harm: “ <i>serious threat to the life and integrity of the person</i> ” instead of “serious individual threat” as set out in Council Directive 2004/83/EC.	grounds covered by Council Directive 2004/83/EC	protection granted on the grounds covered by Council Directive 2004/83/EC
Sweden	1) Subsidiary Protection due to an environmental disaster 2) Subsidiary protection due to “other severe conflicts”	Within	As part of the assessment if the requirements for refugee status or subsidiary protection are met	1) Possibility to grant subsidiary protection to an alien who is unable to return to the country of origin due to an environmental disaster. 2) This additional ground consists of an expansion of “international or national armed conflict” (article 15c of Council Directive 2004/83/EC) in the country of origin, if the individual has a well-founded fear of being subject to serious abuse	Similar to subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC	Similar to the ones attached to subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC
National practices of granting asylum residence permit on grounds which are not covered by Council Directive 2004/83/EC						
Netherlands	C ground – Traumata policy	within	The assessment of whether an asylum seeker is eligible on the basis of special individual compelling humanitarian reasons for an asylum residence permit ⁷ only takes place after it has been determined that the foreign national is not eligible for the granting of an asylum permit on the a) and b) grounds.	Granted to third-country nationals who cannot reasonably be expected to return to their country of origin on the basis of compelling humanitarian grounds relating to the reasons for their departure from the country of origin. Three different elements can be taken into account: traumata policy; special individual compelling humanitarian grounds and specific groups.	Temporary residence permit granted for five years – permanent residence after 5 years.	All asylum resident permits are linked to the same rights. Similar to the ones attached to refugee status and subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC.
Netherlands	D ground – group protection /	within	After a preliminary assessment to determine	Granted to third-country nationals for whom repatriation to the country of origin would be	Temporary residence permit granted for five	All asylum resident permits are linked to

⁷ The so-called c) ground asylum residence permit for “special individual compelling humanitarian ground”.

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Member State	Name of protection status¹	Within or outside asylum procedure	At which stage does the assessment take place?²	Grounds/Requirements³	Duration of stay⁴	Rights⁵
	categorical protection policy		whether the applicant is eligible for an asylum residence permit on individual grounds.	particularly harsh in connection with the general situation there. The d) ground is not a protection on individual grounds but a group/categorical protection.	years – permanent residence after 5 years.	the same rights. Similar to the ones attached to refugee status and subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC.
Netherlands	E ground -	within	After the related third-country national has been granted an asylum permit on the a); b); c) and d) grounds.	Granted to third-country national who, as the husband or wife or underage child, actually belong to the family of the third-country national to whom an asylum permit has been granted on the a); b); c) or d) grounds; who has the same nationality as this third-country national and has travelled to the Netherlands at the same time or has travelled there within three months after said third-country national was granted the asylum residence permit.	Temporary residence permit granted for five years – permanent residence after 5 years.	All asylum resident permits are linked to the same rights. Similar to the ones attached to refugee status and subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC.
Netherlands	F ground -	within	After the related third-country national has been granted an asylum permit on the a); b); c) and d) grounds.	Granted to third-country national who, as a partner or as an adult child, is dependent on the third-country national, to whom an asylum permit has been granted on the a); b); c) or d) grounds in such a way that, for that reason, they belong to the family of this third-country national, who has the same nationality as the third-country national and has travelled to the Netherlands with this third-country national at the same time or has travelled there within three months after said third-country national was granted the asylum residence permit.	Temporary residence permit granted for five years – permanent residence after 5 years.	All asylum resident permits are linked to the same rights. Similar to the ones attached to refugee status and subsidiary protection granted on the grounds covered by Council Directive 2004/83/EC.

Table 2 - Overview of national temporary protection statuses

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Austria	Temporary protection	Outside the asylum procedure	Ad-hoc decision of the government , in agreement with the Executive Committee of the National Council	Mass influx or imminent mass influx of persons who are unable to return to their country of origin due to conflicts or other circumstances threatening the safety of entire population groups	Regulated on ad-hoc bases in the ministerial order	N/A
Belgium	National temporary protection	N/A	Ad-hoc decision of the Government	Conditions varied according to the situations	N/A	N/A
Greece	Temporary protection	N/A	Ad-hoc decision	Granted to specific group of foreigners who enter into the Greek territory for reasons of force majeure and are not considered refugees in the sense of the Geneva Convention.	N//A	N/A
Italy	Temporary protection	Outside the asylum procedure	Ad-hoc decision of the government	Temporary and immediate protection, particularly when the (national) asylum system risks to be inadequate facing a great influx	Maximum one year (renewable once and for equal period of time)	From time to time, the ad hoc decree provides procedures and rights
Poland	National temporary protection	Outside the asylum procedure	Ad-hoc decision of the government	Granted to foreigners in a tragic humanitarian situation, not specified clearly	N/A	N/A
Spain	Temporary protection	N/A	Ad-hoc decision of the government	Mass influx of displaced persons	N/A	Work and residence permit Reunification family members

Table 3- Overview of protection statuses granted on humanitarian grounds

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Belgium	Humanitarian clause	Within	Clause included in the refusal decisions of the Office of the Commissioner-general for Refugees and Stateless Persons	Such a clause is mainly inserted in refusal decisions taken against heavily pregnant women, ill persons, or other vulnerable persons. If asylum is refused to a non-accompanied minor, the CGRS will draw the attention of the Minister to the UN Convention on the Rights of the Child. In yet other cases, the CGRS may draw attention to the principle of unity of family. Residence decisions on such applications are taken on a discretionary basis by the Immigration Department.	N/A Receiving a humanitarian clause does not lead to an alternative protection status. It can be a ground for introducing an application for regularisation of stay on humanitarian grounds.	NI
Belgium	Humanitarian visa	Prior to asylum procedure	A humanitarian visa does not give an automatic right to a protection status (refugee or subsidiary protection) but only aims at facilitating the access of a certain person to the Belgian territory and the asylum procedure.	This status is delivered to very specific persons (e.g. high profiles, such as foreign politicians, opposition leaders ...) or clear cut cases of protection needed, sometimes after Belgian authorities have been contacted by UNHCR).	N/A	NI
Belgium	Residence permit on humanitarian grounds	Outside	This permit applies to certain persons who are present in Belgium but do not possess a right of residence (i.e. illegally staying TCNs). They can	Decision-making on such applications is discretionary. The Belgian Federal government indicated that a protracted asylum procedure, durable local integration and pressing humanitarian situations were situations that would allow a residence	Permanent residence status in the case of a pressing humanitarian situation.	When the application is declared admissible and well-founded, the rights attached to this residence permit are: Access to medical care,

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			<p>apply for something often referred to as humanitarian regularisation of their stay on the basis of the Aliens Act. This article allows an exception on the rule that a foreign national must request an authorisation of residence at the diplomatic representations of Belgium abroad.</p>	<p>permit on humanitarian grounds to be granted.</p> <p>The general criteria for defining a pressing humanitarian situation are:</p> <ul style="list-style-type: none"> - it must be a situation of such a pressing nature that the person cannot free himself of it; - removal of the person would constitute a violation of a fundamental right with direct applicability in Belgium; - Further residence in Belgium would be the only solution. <p>The main objective of granting residence in these cases is to offer protection to certain foreign nationals who fall outside all the possibilities of protection in the asylum or migration policy but whose situation is so complex or precarious that removal from the territory might violate their human rights.</p>		<p>including the right to a medical insurance by registering with a health insurance provider</p> <p>Also entitled to state benefits, such as family benefits;</p> <p>Access to primary and further education;</p> <p>Exempted from work permit and professional card</p> <p>Right to family reunification (husband/wife, registered partner, children minor than 18 years) but must prove sufficient housing and sickness insurance in respect of all risks normally covered for Belgian nationals.</p> <p>Family reunification also applies to handicapped dependent children over 18 years, but in this case proof of stable, regular and sufficient means of existence is required.</p> <p>Family members obtain a</p>

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
						temporary residence permit valid for three years which afterwards is replaced by a permit of permanent residence.
Czech Republic	Permanent residence permit on “humanitarian” grounds;	Outside	The application has to be filed at an embassy of the Czech Republic abroad or at the Ministry of Interior. The applicant has to be in possession of a temporary residence permit (and spouse, minor of recognised refugee), or long-term residence permit or visa for stay longer than 90 days.	<p>Predominantly granted to the three following groups of foreign nationals:</p> <ol style="list-style-type: none"> 1. A spouse of a recognised refugee if the marriage had come into being before the recognised refugee entered the country; 2. a minor child of a recognised refugee or a child who is dependent on the care provided by the recognised refugee, if the child does not apply for grant of asylum; or 3. a person who was a citizen of the Czech Republic in the past. <p>Also possible to grant permanent residence, based on administrative consideration, even on other humanitarian grounds outside the ones listed above.</p> <p>Also granted to the unaccompanied minors when they reach legal age.</p>	Unlimited but identity card valid for 10 years; identity card – not residence permit – needs to be renewed	Access to health care is similar to that available to citizens of Czech Republic Access to employment is similar to citizens of Czech Republic
Czech Republic	Permanent residence permit for other Reasons Worthy of Special Consideration;	Outside	The application has to be filed at an embassy of the Czech Republic abroad or at the Ministry of Interior. The applicant has to be in possession of a temporary	The target group of this specific residence permit is not strictly defined. This includes mainly various humanitarian reasons such as illness, old age or a family tie to some other foreign national staying in the territory of the Czech Republic.	Unlimited but identity card valid for 10 years; identity card – not residence permit – needs to be renewed	Access to health care is similar to that available to citizens of the Czech Republic Access to employment is similar to citizens of the

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			residence permit (and spouse, minor of recognised refugee), or long-term residence permit or visa for stay longer than 90 days.	Also sometimes granted to the unaccompanied minors when they reach legal age.		Czech Republic
Czech Republic	Permanent residence granted after termination of the proceedings for grant of international protection	Outside	The application has to be filed at the Ministry of Interior. The applicant has to be in possession of a temporary residence permit (and spouse, minor of recognised refugee), or long-term residence permit or visa for stay longer than 90 days.	This permanent residence is issued, upon request, to a foreign national who is staying in the territory of the Czech Republic under temporary residence after termination of the proceedings for grant of international protection on the condition that the proceedings for grant of international protection was taking place for at least two last years, including possible proceedings concerned with cassation complaint. At the same time, the foreign national must meet one of the following conditions: <i>a) younger than 18 years; b) he/she is unable to take care of himself/herself because of long-term unfavourable state of health; or c) he/she is alone and older than 65 years.</i> In addition, the other persons who are relatives of these persons or who have relations with them can apply provided they fulfil the condition of uninterrupted stay and duration of international protection procedure. In addition, the law require in general 4 years of previous continuous stay in the territory of the Czech Republic – however, this condition can be waived.	Unlimited but identity card valid for 10 years; identity card – not residence permit – needs to be renewed	Access to health care is similar to that available to citizens of the Czech Republic Access to employment is similar to citizens of the Czech Republic
Finland	Humanitarian protection	Within	The investigation as to whether a person qualifies	A residence permit will be granted if the applicant is unable to return to his or her home	A permanent residence permit is issued to	Access to health care is similar to that available to

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			for protection on humanitarian grounds takes place (often immediately and automatically) after it has been ascertained that the requirements for granting refugee status or subsidiary protection are not met.	country or country of permanent residence because of an environmental catastrophe occurring there, or because of prevailing poor security circumstances there which may be caused by armed conflict or a troubled human rights situation. Residence permit can also be granted if the alien cannot be returned to their home country or country of permanent residence for temporary reason of health or if they cannot actually be removed from the country.	aliens who, after being issued with a continuous residence permit, have resided legally in the country for a continuous period of four years.	citizens Access to social welfare Access to accommodation Right to a travel document
Germany	Admission from abroad	Outside	In order to be eligible, foreigners must still be located in a foreign country	Admission for pressing humanitarian reasons the foreigner is in a particular emergency situation that urgently calls for intervention and justifies admitting this particular foreigner as opposed to other persons who are in a comparable situation; or Considerable latitude for political decision-making and discretion	Granted residence permit. Settlement permit can be granted after 7 years	Access to labour market: Subordinate access - unrestricted access at the latest after 3 years if admitted for international law and humanitarian reason Limited family reunification (spouse and minor children)
Germany	Temporary suspension of removal - Duldung	Outside	For groups of persons, the assessment is made by the Supreme Lander Authority. For individuals, local Foreigners' Authorities are responsible for the assessment.	Issued in cases in which removal is impossible for factual or legal reasons but also for reasons of international law or humanitarian reasons or for pressing humanitarian or personal reasons.	Temporary suspension of the removal, variable duration (can be extended / renewed)	Subordinate access after waiting period of 1 year; unrestricted after 4 years at the latest, unless residence is abusive Right to family reunification not applicable
Germany	Temporary residence	Outside	After unsuccessful asylum application (rejection) or	Foreigners who are not under an enforceable obligation to leave the country can be issued	Residence permit (duration according to	Subordinate access to the labour market; unrestricted

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			when no asylum application is lodged.	with a residence permit for a temporary residence for pressing humanitarian or personal reasons or if the temporary presence of the foreigner in question within Germany would serve the public interest.	the facts of the individual case). Transformation into settlement possible after 7 years.	access at the latest after 3 years
Germany	Residence for persons who are subject to an enforceable obligation to leave the country	Outside	After unsuccessful asylum procedure (rejection) or when no asylum application is lodged.	A foreigner who is enforceably required to leave the Federal territory may be granted a residence permit if his or her departure is impossible in fact or in law and the obstacle to deportation is not likely to be removed in the foreseeable future.	Residence permit (duration according to the facts of the individual case). Transformation into settlement possible after 7 years.	Subordinate access to the labour market; unrestricted access at the latest after 3 years
Ireland	Temporary Leave to Remain	Outside	After non Irish national is issued with a proposal to deport	'Humanitarian considerations' is one of a number of matters that must be considered by the relevant Minister in deciding whether to make a deportation order. Specific reasons, or grounds, whether, are not disclosed.	Discretionary. Typically, one year, renewable.	Discretionary. Vary depending on personal circumstances and prevailing economic and other circumstances.
Italy	Residence authorisation for humanitarian reason	Outside but strictly linked to the asylum procedure	Protection proposed by the Territorial Commission for Asylum Right on humanitarian grounds	Situations in the country of origin preventing a person's return	Residence authorisation One year, renewable	Access to health care Access to accommodation Access to employment similar to the citizens of the Member States
Malta	Temporary humanitarian protection	Within	The investigation as to whether a person qualifies for protection on humanitarian grounds takes place (often immediately and automatically) after it has been ascertained that the requirements for granting refugee status or subsidiary protection are not met.	Temporary Humanitarian Protection may be granted a) whenever the applicant is a minor, b) where the Refugee Commissioner considers that the applicant should not be returned to his country of origin on medical grounds, and c) where the Refugee Commissioner considers that the applicant should not be returned to his country of origin on other humanitarian	One year, renewable	Same benefits as beneficiaries of subsidiary protection, i.e. Health care limited to core benefits Social welfare limited to core benefits Access to employment may be limited due to labour

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				grounds		market considerations Right to a travel document
Poland	Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons	Outside	Aimed at third country nationals who do not meet the conditions to be granted any type of resident status. Applicable during the whole procedure of gaining residency.	The Polish Act on Foreigners foresees the possibility to issue a residence visa (i.e. either a uniform short-stay Schengen visa or a Polish long-term national visa) to enable entry for humanitarian reasons. Such visas are issued mainly in cases in which the entry of a foreigner is required due to the need to undergo a lifesaving medical procedure	Uniform short stay visa: may not exceed 3 months Polish long-stay national visa: may not exceed 1 year Can only be prolonged in certain circumstances	Access to health care if the beneficiaries of such form of protection have an insurance policy Access to education from the age 7 to 18.
Poland	Residence permit for a fixed period issued to a foreigner if an exceptional personal situation that requires the presence of the foreigner on the territory of Poland has occurred	Outside	Aimed at third country nationals who do not meet the conditions to be granted any type of resident status. Applicable during the whole procedure of gaining residency.	The Act of Foreigners foresees the possibility to issue a residence permit for a fixed period of time if an exceptional personal situation that requires the presence of the foreigner on the territory of Poland has occurred. Such personal exceptional situation may cover cases when a third-country national and/or one of his/her family members is sick and requires temporary care.	For a fixed period of time necessary to fulfil the purpose for which it is issued Up to two years	Access to health care if the beneficiaries of such form of protection have an insurance policy Access to education from the age 7 to 18.
Poland	Permit for tolerated stay	Outside	Aimed at third country nationals who do not meet the conditions to be granted any type of resident status. Applicable during the whole procedure of gaining residency.	The permit for tolerated stay could be issued to a third-country national in a situation in which his/her expulsion: 1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be	Up to one year, renewable	Access to free education until completing post-gymnasium school (or until reaching the age of 18) Same access to further education in public post-secondary schools, public teacher training centres and

Table 3- Overview of protection statuses granted on humanitarian grounds

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>forced to work or deprived the right to fair trial, or could be punished without any legal grounds—within the meaning of the Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;</p> <p>2. Would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children’s rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child’s physical and mental development;</p> <p>3. was unenforceable due to reasons beyond the control of the authority executing the decision on expulsion or the foreigner;</p> <p>4. could only be effected to a country to which extradition is inadmissible on the basis of court’s judgment on inadmissibility of a foreigner’s extradition or on the basis of a decision of the Minister of Justice on the refusal to extradite the foreigner;</p> <p>5. would be effected for reasons other than a threat to the defence or security of the state or public security and order, and the foreigner was a spouse of a Polish citizen or of a foreigner holding a permit to settle.</p>		<p>other public institutions as Polish nationals and possibility to apply for higher education studies</p> <p>Unlimited access to labour market and entitlement to unemployment benefits</p> <p>May benefit to social assistance</p> <p>Same access to health care as Polish nationals May be issued a Polish and/or temporary travel document</p> <p>Permit to settle obtain after 10 years of uninterrupted residence in Poland</p>

Table 3- Overview of protection statuses granted on humanitarian grounds

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Portugal	Resident permits waiving the need of a residence visa in exceptional circumstances	Outside	Aimed at third country nationals who do not meet the conditions for accessing the status of resident required by the general regime governing immigration in Portugal, namely, when they do not possess the necessary residence visa issued by a Portuguese consular entity abroad.	Resident permits waiving the need of a residence visa in exceptional circumstances are granted in certain situations that seek to safeguard relevant interests in the area of humanitarian protection, such as: To individuals who have ceased to benefit from the right to asylum in Portugal owing to the fact that the reasons for which they were granted the said protection no longer exist; To individuals who suffer from an illness that requires prolonged medical assistance in Portugal which prevents them from returning to their country, in order to avoid risks for the health of the individual in question; To individuals who are or have been victims of a serious or very serious penal or administrative offence in terms of labour relations, translating into conditions of a lack of social protection, exploitation in terms of wages and working hours, corroborated by the General Labour Inspectorate, as long as they have reported the infractions to the competent authorities and collaborate with them; To individuals who have benefited from a residence permit (Art. 109) under the terms of the legal regime regarding protection for victims of penal infractions linked to human trafficking or aiding and abetting illegal immigration.	Temporary residence permit valid for a period of one year, renewable for successive periods of two years.	Right to exercise a subordinate or independent professional activity Access to education and schooling Access to professional guidance and training Access to healthcare Right to access courts Guaranteed coverage by dispositions that ensure equal treatment for foreign citizens, namely in terms of social security, tax benefits, trade union membership, the recognition of diplomas, certificates and other professional qualifications or access to goods and services available to the public
Portugal	An extraordinary regime for granting	Outside	On an exceptional basis, on the initiative of the Minister	For situations that are not covered by the Resident permits waiving the need of a	Temporary residence permit valid for a	Access to education and schooling

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
	residence permits, granted, among others reasons, on the basis of humanitarian interest		for the Internal Administration or by means of a proposal by the National Director of the Aliens and Borders Service.	residence visa in exceptional circumstances (see row above) but relate to humanitarian reasons.	period of one year, renewable for successive periods of two years.	Access to professional guidance and training Access to healthcare Right to access courts Guaranteed coverage by dispositions that ensure equal treatment for foreign citizens, namely in terms of social security, tax benefits, trade union membership, the recognition of diplomas, certificates and other professional qualifications or access to goods and services available to the public
Portugal	Special visa for the purposes of entry and a temporary stay in the country issued to third-country nationals who do not meet the legal necessary requirements, on the basis of humanitarian reasons	Outside	Granted at border posts and recognised by a dispatch issued by the Portuguese Ministry for Internal Administration.	Aim to the admission in the country and temporary stay/protection for sudden and/or unexpected situations of humanitarian nature, including the admission of undocumented asylum seekers.	15 days, extended for 60 days	This special visa provides a mean to eventually access, once on the territory, any of the protection statuses and/or residence permit envisaged in national legislation.
Slovak Republic	Asylum granted on humanitarian grounds	Within the asylum procedure	The granting of the asylum status, and subsidiary protection are considered in	If the Migration Office does not find any reasons proving the justification of fears of persecution on the grounds of race, religion,	Permanent residence permit of 5 years after which it can be	Access to education; Access to health care similar to that available to citizens

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			one procedure. Grounds for granting asylum are examined first, Grounds for granting subsidiary protection are considered afterwards.	ethnicity, political conviction or belonging to a certain social group, or if does not find out that the third-country national was persecuted in his/her country of origin for claiming his/her rights and freedoms; and if there are certain reasons that the Migration Office considers worth protecting.	renewed for an indefinite period of time.	of the Member State; Access to social welfare; Access to employment (not dependent on national labour market considerations); No right to family reunification; Right to a travel document
Spain	For ground 1: Exceptional residence permit by international protection (proposed by the Inter-Ministerial Commission of Asylum and Refuge) For other grounds: Exceptional residence permit on humanitarian grounds (see in other relevant tables)	Within (for ground 1) (for other grounds, see in other relevant tables)	The investigation as to whether a person qualifies for protection on humanitarian grounds takes place (often immediately and automatically) after it has been ascertained that the requirements for granting refugee status or subsidiary protection are not met	Residence permits can be granted for exceptional reasons of a humanitarian nature: 1) When, as proposed by the Inter-Ministerial Commission of Asylum and Refugee, the Ministry of the Interior authorizes the stay in Spain of an applicant for international protection who does not qualify for refugee or subsidiary protection status, but whose individual circumstances qualify for authorization to reside in Spain on humanitarian grounds (in view of that person's individual circumstances, e.g. age, health, dependents, etc.); 2) When a foreign national is the victim of offences against workers' rights whenever the offence is committed by reason of racist, or anti-Semitic motives or another type of discrimination; 3) When a foreign national is victim of domestic or gender-based violence; 4) When a foreign national can prove his/her suffering from an illness which cannot be	One year, renewable	Access to employment is not dependent on national labour market considerations

Table 3- Overview of protection statuses granted on humanitarian grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>treated in the country of origin;</p> <p>5) When the foreign national can prove there is a risk to his/her safety and security upon the return to the country to obtain a visa;</p> <p>6) When a foreign national cooperates with the authorities in reporting certain crimes of which he/she is victim or witness, particularly when he/she is victim of human trafficking and denounces those responsible.</p>		
Sweden	Humanitarian protection	Within	Need for an overall assessment of the alien's situation to determine whether "the circumstances are so exceptionally distressing that he or she should be allowed to stay in" the Member State	<p>Possibility to grant humanitarian protection if, on an overall assessment of the alien's situation, it is found that the circumstances are so exceptionally distressing that he or she should be allowed to stay in Sweden.</p> <p>Examples: aliens with fatal illnesses or severe disabilities whose condition can be improved in Sweden if adequate care is not possible to acquire in their country of origin; aliens who risk being socially rejected or traumatized if forced to return to their country of origin (torture-victims and victims of trafficking, who no longer risk persecution or risk being exposed to abuses in their country of origin etc.); and children whose development will be gravely endangered after an order of expulsion.</p>	Permanent residence permit	<p>When an alien is granted a permanent or temporary residence permit that makes him or her eligible for civil registration, he or she will have access to social rights and benefits on the same terms as for Swedish citizens.</p> <p>Access to medical care on the same terms as for Swedish citizens;</p> <p>No need of separate work permit - allowed to work as employees on the same terms as for Swedish citizens. Self-employed aliens do not need work permits.</p> <p>Rights and access to preschool, child-care and education in Sweden are based on residency, not</p>

Table 3- Overview of protection statuses granted on humanitarian grounds

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
						<p>citizenship. In these respects, no distinctions are made between aliens and Swedish citizens.</p> <p>Swedish law does not restrict an alien's right to move, settle or travel within the country if he or she has a residence permit.</p> <p>When an alien has been granted a permanent residence permit, there are no obstacles to his or her family (spouse and children under 18 years of age) also applying for residence permit. For more information in specific cases, please refer to National Report p.18.</p>

Table 4 - Residence permit on humanitarian grounds granted to third-country nationals who can prove that there is a risk to their security if they return to their country of origin to obtain a visa

Table 4 - Residence permit on humanitarian grounds granted to third-country nationals who can prove that there is a risk to their security if they return to their country of origin to obtain a visa						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Spain	Exceptional residence permit on humanitarian grounds (risk of security upon return)	outside	NI	Granted to third-country nationals who can prove there is a risk to their security on return to their country in order to obtain a visa.	Temporary residence permit, valid for one year, renewable	NI
Poland	Permit for tolerated stay	Within	As part of the assessment if the requirements for refugee status or subsidiary protection are met but after the negative decision on granting refugee status was issued (till 2008 substitutes subsidiary protection)	The permit for tolerated stay could be issued to a third-country national in a situation in which his/her expulsion: 1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived the right to fair trial, or could be punished without any	Up to one year, renewable	<p>Access to free education until completing post-gymnasium school (or until reaching the age of 18)</p> <p>Same access to further education in public post-secondary schools, public teacher training centres and other public institutions as Polish nationals and possibility to apply for higher education studies</p> <p>Unlimited access to labour market and entitlement to unemployment benefits</p> <p>May benefit to social assistance</p> <p>Same access to health care as Polish nationals</p> <p>May be issued a Polish and/or temporary travel document</p> <p>Permit to settle obtain after 10 years of uninterrupted residence in Poland</p>

Table 4 - Residence permit on humanitarian grounds granted to third-country nationals who can prove that there is a risk to their security if they return to their country of origin to obtain a visa

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>legal grounds—within the meaning of the Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950; 2. Would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children’s rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child’s physical and mental development; 3. was unenforceable due to reasons beyond the control of the authority executing the</p>		

Table 4 - Residence permit on humanitarian grounds granted to third-country nationals who can prove that there is a risk to their security if they return to their country of origin to obtain a visa

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				decision on expulsion or the foreigner; 4. could only be effected to a country to which extradition is inadmissible on the basis of court's judgment on inadmissibility of a foreigner's extradition or on the basis of a decision of the Minister of Justice on the refusal to extradite the foreigner; 5. would be effected for reasons other than a threat to the defence or security of the state or public security and order, and the foreigner was a spouse of a Polish citizen or of a foreigner holding a permit to settle.		

Table 5- Overview of protection statuses on medical grounds

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
Belgium	Residence status on medical grounds	Outside (Article 3 of the ECHR, in conjunction with Article 15(c) of the Qualification Directive) the report clearly indicates that the BE government did not judge opportune to treat such applications for protection through the regular asylum procedure	Foreign nationals, already present in Belgium can, under certain conditions (see right) also obtain a more durable right of residence which can become a permanent right of residence after five years.	1) The foreign national must already be staying in Belgium (not possible to apply from abroad; application must be introduced in BE either during a legal or illegal stay - yet, In particular cases, foreign nationals, living abroad, can obtain a so-called “medical visa” to enter Belgium); 2) Persons who suffer from a very serious illness (the life or physical integrity of the foreign national is in danger, or the foreign national will be at risk of inhuman or degrading treatment) 3) no adequate treatment for this illness in the country of origin	Temporary residence permit: valid for a year	At any stage: access to primary and further education
						Medical care: For the first five years of residence (when the application has been judged well-founded), access to medical care is provided, including the right to a medical insurance by registering with a health insurance provider. + Entitlement to social aid provided by the Public Social Welfare Centres.
						Employment: In the first five years of residence: Requirement of a work permit (type C, annually renewable, valid for any profession, obtained with few formalities), or professional card for purposes of self-employment. After five years, exempted from work permit and professional card.
						Family reunification: Rights but under conditions (and different if less or more than 5 years of residence)
Czech Republic	Residence granted for other reasons worthy of special consideration	Outside	The application has to be filed at an embassy of the Czech Republic abroad or at the Ministry of Interior. The applicant has to be in possession of a temporary residence permit (and spouse, minor of recognised	The target group of this specific residence permit is not strictly defined. This includes mainly various humanitarian reasons such as illness.	Unlimited but identity card valid for 10 years; identity card – not residence permit – needs to be renewed	Access to health care is similar to that available to citizens of the Czech Republic Access to employment is similar to citizens of the Czech Republic

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			refugee), or long-term residence permit or visa for stay longer than 90 days.			
Finland	Residence permit on compassionate grounds		The investigation as to whether a person qualifies for protection on humanitarian grounds takes place (often immediately and automatically) after it has been ascertained that the requirements for granting refugee status or subsidiary protection are not met.	A continuous residence permit on compassionate grounds will be granted if rejecting the application is clearly unreasonable considering the applicant's health. Assessment of health conditions covers mental disorder, PTSD, depression, internal disease (diabetes, coronary disease, cancer etc.).	Continuous	Access to health care is similar to that available to citizens Access to social welfare Access to accommodation Access to employment is not dependent on national labour market considerations Right to a travel document
Germany	Temporary residence	Outside	After unsuccessful asylum application (rejection) or when no asylum application is lodged.	Foreigners who are not under an enforceable obligation to leave the country can be issued with a residence permit for a temporary residence for pressing humanitarian or personal reasons – sometimes being granted on medical grounds.	Residence permit (duration according to the facts of the individual case). Transformation into settlement possible after 7 years.	Subordinate access to the labour market; unrestricted access at the latest after 3 years
Germany	Residence for persons who are subject to an enforceable obligation to leave the country	Outside	After unsuccessful asylum procedure (rejection) or when no asylum application is lodged.	A foreigner who is enforceably required to leave the Federal territory may be granted a residence permit if his or her departure is impossible in fact or in law and the obstacle to deportation is not likely to be removed in the foreseeable future – sometimes being granted on medical grounds.	Residence permit (duration according to the facts of the individual case). Transformation into	Subordinate access to the labour market; unrestricted access at the latest after 3 years

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
					settlement possible after 7 years.	
Germany	Temporary suspension of removal - Duldung	Outside	For groups of persons, the assessment is made by the Supreme Lander Authority. For individuals, local Foreigners' Authorities are responsible for the assessment.	Issued in cases in which removal is impossible for factual or legal reasons but also for reasons of international law or humanitarian reasons or for pressing humanitarian or personal reasons – sometimes being granted on medical grounds.	Temporary suspension of the removal (can be extended / renewed)	Subordinate access after waiting period of 1 year; unrestricted after 4 years at the latest, unless residence is abusive Right to family reunification not applicable
Greece	Residence on humanitarian grounds	Outside	No info, except: Condition for application for this status is the ability to present a prior residence permit - this implies that they are legal residents while the application is pending and was already present in the Member State when making the application.	Victims of labour and other accidents Persons suffering from serious health problems Victims of crime Persons accommodated in charitable institutions and legal entities (mainly concerning unaccompanied minors and unaccompanied minors victims of trafficking) Minors held in custody by Greek nationals or families of third country nationals who legally reside in the country or the adoption of whom is pending Note: Serious health problems and length of treatment should be verified by a recent certificate by a public hospital or clinic of the respective insurance organisation. If health problems relate to infectious disease, the consent of minister of health	One year, renewable	Medical care: Third country nationals residing in Greece are insured with the relevant insurance organisation and have the same insurance rights as Greek nationals. In case they are destitute, they are granted free of charge medical and health assistance

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				and social solidarity that they pose no threat to public health shall be required		
Malta	Temporary humanitarian protection	Within	Assessment of the application for international protection; when applicant does not meet requirements set for granting refugee status and subsidiary protection	Minor Should not be returned to his /her country of origin on medical grounds Should not be returned to his / her country of origin on humanitarian considerations	1 year, can be renewed provided the circumstances warranting temporary humanitarian protection persist	Access to social welfare and medical care = limited to core benefits Access to employment may be restricted in light of national labour market considerations Right to travel document
Netherlands	Residence in connection with medical treatment or medical emergency	Outside	1) Third-country nationals can apply for a regular residence permit in connection with undergoing medical treatment. If an asylum seeker wants residency in the Netherlands in connection with medical treatment which he is going to undergo here, he can submit a relevant application for a regular residence permit after rejection of his application for asylum. The treatment of this regular application will not take any account of asylum aspects. 2) A failed asylum seeker may well be eligible, as a continuation of the application for residency for medical treatment, for	1) Before residency is permitted, the three following conditions have to be fulfilled: -the Netherlands must be the designated country for the medical treatment. -the medical treatment must be essential and; -the financing of the medical treatment must be properly arranged. 2) In order to be eligible for a residence permit in connection with this exemption clause, the person involved must be in	Temporary right of residence granted for one year- can be extended by a maximum of one year each time. After three years of residency, the third-country national holding a permit on such ground, can apply for a residence permit subject to a restriction relating to	Same medical assistance, social provisions and education rights as national citizens; Holders of a residence permit subject to the restriction ‘residency due to a medical emergency’ are not allowed to work. In case continued residence is granted, access to the labour market is possible if the employer has a work permit. Possibility to be issued a Dutch travel document, under certain conditions, if the third-country national is unable to obtain a travel document from another country or who can prove that they cannot reasonably be required to apply for a travel document from another country. The term of validity of this travel document depends on the permit that has been granted;

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			residency on the grounds of a medical emergency. This means situations whereby the person involved is suffering from a disorder with regard to which it has been decided, based on current medical and scientific opinion that the lack of treatment in the short term will lead to death, invalidity or another form of serious mental or physical damage. The term 'in the short term' means within a deadline of three months ⁸ .	the Netherlands and the following circumstances must apply: -Discontinuation of the medical treatment will lead to a medical emergency; -Medical treatment of the medical complaints in question cannot take place in the country of origin or another country to which the person involved can depart to; and; -The medical treatment to prevent this emergency from occurring is expected to last for longer than one year. In fact, if the medical treatment to prevent this emergency is going to take one year or less, no residence permit will be granted and instead the repatriation of the foreign national will be suspended on the grounds of Article 64 of the Aliens Act (see below) and the foreign national will be entitled to provisions during this period (see row below – the withholding of repatriation).	continued residence ⁹ .	No right to family reunification – however, when acquiring a residence permit subject to the restriction of continued residence, family members will be eligible for family reunification or formation if the relevant additional conditions have been fulfilled.
Netherlands	The withholding of repatriation	Outside (following the failed asylum application)	In the process of processing an application submitted by an ex-asylum seeker with a view of undergoing medical treatment or due to a medical	Any third-country national who does not have, or no longer has, lawful residency, must leave the Netherlands on his own initiative within a period of four weeks. Failure to do so mean that he can be	Lawful residence but not a residence permit as such – at the end of	Reception provisions guaranteed to the third-country national and his/her family members.

⁸ The fact that the medical emergency is a continuation of the application in connection with medical treatment, no separate application has to be submitted if the original application was for residency for medical reasons.

⁹ The nature of the residence permit for the purpose of 'continued residence' implies that the residence permit is not withdrawn, and the application for an extension is not rejected, if the foreign national no longer fulfils the conditions of the special policy on which grounds previous residency was permitted.

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			emergency, an automatic assessment will take place of whether repatriation should not be carried out on the ground of Article 64 of the Aliens act and/or within the context of a follow-up procedure pursued by the applicant, and therefore during the processing of his/her objection or appeal.	repatriated. However, Article 64 of Aliens Act states that repatriation cannot take place as long as the state of health of the third-country national or one of his family members prevents such travel.	the period during which the repatriation is withheld, the third-country national will still have to leave the Netherlands.	
Netherlands	Third-country nationals who are unable to leave the Netherlands through no fault of their own	Outside	1)Automatically granted following a rejected application for asylum and/or for a regular residence permit 2) Via submission of an application: If, for example, the third-country national was unable to demonstrate during the asylum procedure that he was eligible for residency on the grounds of this policy, but now believes that he fulfils the conditions, he can still apply to the IND for a regular residence permit.	A residence permit on the grounds of the policy relating to third-country nationals who are unable to leave the Netherlands though no fault of their own can be granted to third-country nationals who are obliged to leave the Netherlands but who have been deemed permanently unable to travel due to their state of health . This group also includes third-country nationals who cannot physically be transferred in the long term to a medical institution or health care practitioner in the country of origin following the journey.	Temporary residence permit granted for one year- can be extended by a maximum of one year each time. Can be granted a temporary residence permit for the purpose of continued residence if he/she has had a temporary regular residence permit for three years	Same medical assistance, social provisions and education rights as national citizens; Access to the labour market only if the employer has a work permit – when acquiring continued residence, employment is freely permitted (i.e. no work permit from the employer is required); Possibility to be issued a Dutch travel document, under certain conditions, if the third-country national is unable to obtain a travel document from another country or who can prove that they cannot reasonably be required to apply for a travel document from another country. The term of validity of this travel document depends on the permit that has been granted; No right to family reunification –

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
					and who still fulfil the conditions of the special policy on which grounds previous residency was permitted.	however, when acquiring a residence permit subject to the restriction of continued residence, family members will be eligible for family reunification or formation if the relevant additional conditions have been fulfilled.
Poland	Residence visa (uniform short-stay Schengen visa and Polish long-stay national visa) issued for the purpose of arrival for humanitarian reasons	Outside	N/A	The Polish Act on Foreigners foresees the possibility to issue a residence visa (i.e. either a uniform short-stay Schengen visa or a Polish long-term national visa) to enable entry for humanitarian reasons. Such visas are issued mainly in cases in which the entry of a foreigner is required due to the need to undergo a lifesaving medical procedure	Uniform short stay visa: may not exceed 3 months Polish long-stay national visa: may not exceed 1 year Can only be prolonged in certain circumstances	Access to health care if the beneficiaries of such form of protection have an insurance policy Access to education from the age 7 to 18.
Poland	Residence permit for a fixed period issued to a foreigner if an exceptional personal situation that requires the presence of the foreigner on the territory of Poland has occurred	Outside	N/A	The Act of Foreigners foresees the possibility to issue a residence permit for a fixed period of time if an exceptional personal situation that requires the presence of the foreigner on the territory of Poland has occurred. Such personal exceptional situation may cover cases when a third-country national and/or one of his/her family members is sick and requires temporary	For a fixed period of time necessary to fulfil the purpose for which it is issued Up to two years	Access to health care if the beneficiaries of such form of protection have an insurance policy Access to education from the age 7 to 18.

Table 5- Overview of protection statuses granted on medical grounds

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				care.		
Poland	Permit for tolerated stay	Outside	Aimed at third country nationals who do not meet the conditions to be granted any type of resident status. Applicable during the whole procedure of gaining residency.	<p>The permit for tolerated stay could be issued to a third-country national in a situation in which his/her expulsion:</p> <ol style="list-style-type: none"> 1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived the right to fair trial, or could be punished without any legal grounds—within the meaning of the Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950; 2. Would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children's rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child's physical and mental development; 3. was unenforceable due to reasons beyond the control of the authority executing the decision on expulsion or the foreigner; 4. could only be effected to a country to which extradition is inadmissible on the 	Up to one year, renewable	<p>Access to free education until completing post-gymnasium school (or until reaching the age of 18)</p> <p>Same access to further education in public post-secondary schools, public teacher training centres and other public institutions as Polish nationals and possibility to apply for higher education studies</p> <p>Unlimited access to labour market and entitlement to unemployment benefits</p> <p>May benefit to social assistance</p> <p>Same access to health care as Polish nationals</p> <p>May be issued a Polish and/or temporary travel document</p> <p>Permit to settle obtain after 10 years of uninterrupted residence in Poland</p>

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				basis of court's judgment on inadmissibility of a foreigner's extradition or on the basis of a decision of the Minister of Justice on the refusal to extradite the foreigner; 5. would be effected for reasons other than a threat to the defence or security of the state or public security and order, and the foreigner was a spouse of a Polish citizen or of a foreigner holding a permit to settle.		
Portugal	Consular Temporary Stay Visa	Outside (target group: third-country nationals)	the granting of such a visa implies that applicants must also meet the general requirements for issuing long term consular visas	Third-country nationals who require medical treatment in officially accredited health establishments and their family members, as companions (medical records and proof from the official or officially accredited healthcare establishment, corroborating the fact that the applicant has been admitted or is receiving outpatient treatment)	The territorial validity of this visa is limited to Portugal for a period of three months, extendible whenever justified, up to one year, and extendible for similar periods. However, visa extensions granted to the patient's family members cannot exceed the duration of the extension	

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
					granted to the patient.	
Portugal	Resident permits waiving the need of a residence visa in exceptional circumstances: i.e. in certain situations that seek to safeguard relevant interests in the area of humanitarian protection	Outside (target group: third-country nationals)	Residence Permits issued in special situations are aimed at third country nationals who do not meet the conditions for accessing the status of resident required by the general regime governing immigration in Portugal, namely, when they do not possess the necessary residence visa issued by a Portuguese consular entity abroad	Several grounds, which include: Persons who suffer from an illness that requires prolonged medical assistance in Portugal which prevents them from returning to their country, in order to avoid risks for the health of the individual in question (medical certificate to be provided by the respective healthcare establishment)	Temporary residence permit is valid for a period of one year, renewable for successive periods of two years.	Beneficiaries of this residence permit enjoy the same rights and are subject to the same duties as any other foreign national resident in Portugal. In this context, as examples, one can highlight the right to access education and schooling, to exercise subordinate or independent professional activities , access to professional guidance and training, healthcare and access to the legal system and courts. Similarly, they are also guaranteed the application of dispositions that ensure equal treatment for foreign nationals, namely in terms of social security, tax benefits, trade union membership, the recognition of diplomas, certificates and other professional qualifications or access to goods and services available to the public, as well as the application of dispositions that grant them special rights.
Slovak Republic	Asylum on humanitarian ground	Within	The granting of asylum status and subsidiary protection are considered in one procedure. When the Migration Office does not find any reasons proving the justification of fears of persecution on the grounds of race, religion, ethnicity, political	There is no entitlement to grant asylum on humanitarian grounds. Hence, the Migration Office has the power to decide to whom to grant this type of protection. The Act on Asylum does not stipulate exact conditions for granting asylum on humanitarian grounds. The specific conditions are formulated in the Ordinance of the Ministry of	Permanent residence permit	Right to be provided with health care Benefit from a lump-sum contribution provided by the State in the amount corresponding to 1.5times the minimum subsistence amount. Access to education under reasonably equal conditions to those applying to the nationals of the Slovak Republic.

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			conviction or belonging to a certain social group, or if does not find out that the foreign national was persecuted in his/her country of origin for claiming his/her rights and freedoms; and if there are certain reasons that the Migration Office considers worth protecting.	Interior, under which the granting of asylum to a foreign national on humanitarian grounds requires presence of certain circumstances, such as advanced age, trauma or serious health condition of that person (person suffering from a serious disease) whose return to the country of origin could be considered as physically or psychologically demanding. In principle, that is, a person who fails to comply with the conditions for being granted asylum, but in relation to whom any of these circumstances is present.		<p>Access to the labour market under equal conditions to those applying to nationals</p> <p>Provided with a travel document valid for two years – when granted residence permit, right to stay in the Slovak Republic and to travel abroad and back to the Slovak Republic.</p> <p>No right to family reunification</p>
Spain	Exceptional residence permit on humanitarian grounds (medical reasons)	Outside	Assessment occurs after third-country national has made application (normally from on Spanish soil)	<p>To any foreigners who can prove they are suffering from a serious illness requiring specialized healthcare that cannot be accessed in their country of origin, and the fact that interrupting or not receiving such healthcare would entail a serious risk to their health or life.</p> <p>Note: In order to prove this medical necessity, a medical report issued by the corresponding health authority will be required.</p>	Temporary residence permit: valid 1 year, renewable	Employment: The work permit is not dependent on the national employment situation.
Sweden	Impediment to enforcement	Outside	Enforcement of expulsion order	Chapter 12, Section 18, subclause 3 of the Aliens Act permits a “stay of enforcement” or for a residence permit to	Permanent	<p>Access to education</p> <p>Access to medical care as accorded to nationals</p>

Table 5- Overview of protection statuses granted on medical grounds						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				<p>be granted to a third-country national when new circumstances – such as medical or other special grounds – come to light that justify non-enforcement.</p> <p>(i.e. enforcement would cause danger to the life of the person, because of severe health problems)</p>		<p>Access to labour market (no work permit required)</p> <p>Family reunification permitted</p> <p>Right to travel</p>

Table 6 - Overview of protection statuses granted for family reasons

Table 6 - Overview of protection statuses granted for family reasons						
Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
Austria	Residence or settlement permit relating to the protection of the right to family and private life	Outside, however it can be connected to the asylum procedure	Upon application or connected to an asylum procedure: in case of a negative decision on the application on international protection the asylum authorities must evaluate whether the expulsion of the asylum applicant would be in accordance with Art. 8 ECHR or whether the expulsion of the asylum	The authorities have to take into account the length of the stay in Austria and the kind of residence, especially if the person stayed legally or illegally in the country, the actual existence of family life, necessity to protect private life, the decree of integration, existing ties to the home country, criminal records and the fact, if family life was established at a time when the persons were aware of their uncertain residence status	One year, renewable	<p>Health Care: Emergency health care is available for all person costs in Austria. Employed and self-employed persons do have an obligatory health insurance.</p> <p>Education: Access to education is available and obligatory up to the age of 15 (nine years school attendance), access to higher education is available as well.</p> <p>Access to the labour market: According to the Aliens' Employment Act persons who do have a right of residence under the Residence or Aliens' Police Act, which does not prohibit employment, are allowed to work. They need a work permit. The Aliens' Employment Act stipulates that persons with a restricted settlement permit also need a work permit whereas an unrestricted permit gives the possibility to work. Persons who do have an unrestricted permit have unrestricted access to the labour market whereas persons with a restricted residence permit need a work permit and have to fulfil the requirements defined in the Aliens' Employment Act</p> <p>Travel: The Aliens' Police Act generally provides for the issuance of Alien's Passports for persons who do not have Austrian nationality. Alien's Passports may be issued upon application, if it is in the interests of the Republic with regard to the person concerned. However, NGOs report that – due to the number of restrictions possible – only in very few cases Alien's Passports are issued and that the criteria are interpreted and applied in a narrow way.</p>

Annex to EMN Synthesis Report: Non-EU harmonised protection statuses

Table 6 - Overview of protection statuses granted for family reasons

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			applicants is forbidden in the long run.			
Germany	Temporary residence	Outside	After unsuccessful asylum application (rejection) or when no asylum application is lodged.	Foreigners who are not under an enforceable obligation to leave the country can be issued with a residence permit for a temporary residence for pressing humanitarian or personal reasons or if the temporary presence of the foreigner in question within Germany would serve the public interest. One of the pressing humanitarian or personal reasons can be temporary care a foreigner is giving to family members who are ill. Another reason can be the direct imminence of a marriage with a German national or a foreigner who is legally residing in Germany.	Residence permit (duration according to the facts of the individual case). Transformation into settlement possible after 7 years.	Subordinate access to the labour market; unrestricted access at the latest after 3 years
Greece	“Residence on exceptional grounds”	Within		If they are grounds that are not covered by humanitarian grounds which necessitate the residence of a third-country national, the residence permit may be issued by decision of the Minister of Interior, Public Administration and	The residence permit is valid for six months and cannot be renewed for the same reason but only for one of the reasons provided for in the Aliens Law	Healthcare and welfare: Third country nationals residing in Greece are insured with the relevant insurance organisation and have the same insurance rights as Greek nationals. In case they are destitute they are granted free of charge medical and health assistance Right to education (at all levels) is guaranteed to all third country national minors residing in Greece under the same conditions as Greek nationals. Employment: The residence permit granted on humanitarian grounds

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Table 6 - Overview of protection statuses granted for family reasons

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				<p>Decentralization, having heard the opinion of the special Migration Committee.</p> <p>This applies to minors whose parents or guardians reside legally in Greece and/or to parents of Greek minors who have the custody or fulfil the care obligation.</p> <p>A necessary condition for the issuance of the permit is the possession of a passport with a visa for entry in the country, irrespective of the validity thereof, or of an expired residence permit, as well as the proven invocation of the specific reason that makes necessary the residence of the third-country national on Greek territory.</p>	(3386/2005).	<p>guarantees to third-country nationals the access to dependent employment and to the provisions of services or work. Independent economic activity is allowed only when the previous residence permit allowed such activity and they are simply continuing it.</p> <p>Minors are entitled to work subject to the specific restrictions of the Greek labour legislation</p> <p>Travel: Beneficiaries of this type of status are allowed to travel only if they have national passports. In case they are stateless they are allowed to request to the Hellenic Police the issuance of the travel document provided for in the 1954 Convention on the Status of Stateless Persons (provided that they can prove their status as de jure stateless persons)</p> <p>Family formation: Beneficiaries can start a family in Greece.</p>
Poland	Permit for tolerated stay	Outside	Aimed at third country nationals who do not meet the conditions to be	The permit for tolerated stay could be issued to a third-country national in a situation in which his/her expulsion: 1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat,	Up to one year, renewable	<p>Access to free education until completing post-gymnasium school (or until reaching the age of 18)</p> <p>Same access to further education in public post-secondary schools, public teacher training centres and other public institutions as Polish nationals and possibility to apply for higher education studies</p> <p>Unlimited access to labour market and entitlement to unemployment benefits</p>

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Table 6 - Overview of protection statuses granted for family reasons

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			<p>granted any type of resident status. Applicable during the whole procedure of gaining residency.</p>	<p>where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived the right to fair trial, or could be punished without any legal grounds— within the meaning of the Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;</p> <p>2. Would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children’s rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child’s physical and mental development;</p> <p>3. was unenforceable due to reasons beyond the control of the authority executing the decision on expulsion or the</p>		<p>May benefit to social assistance</p> <p>Same access to health care as Polish nationals May be issued a Polish and/or temporary travel document</p> <p>Permit to settle obtain after 10 years of uninterrupted residence in Poland</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				foreigner; 4. could only be effected to a country to which extradition is inadmissible on the basis of court's judgment on inadmissibility of a foreigner's extradition or on the basis of a decision of the Minister of Justice on the refusal to extradite the foreigner; 5. would be effected for reasons other than a threat to the defence or security of the state or public security and order, and the foreigner was a spouse of a Polish citizen or of a foreigner holding a permit to settle.		
Slovak Republic	Tolerated stay - if required for respect for family and private life	Without		Proving the existence of family ties demonstrated by birth certificate of a foreigner's child, or by another document proving the purpose of stay	Maximum 180 days, renewable	<p>Healthcare and welfare: A foreign national with a tolerated stay permit granted on the grounds of respect for his/her private and family life has access to the labour market. If such a foreigner takes up employment, he/she shall be considered a person with compulsory public health insurance.</p> <p>If the monthly income of a foreign national having a tolerated stay permit does not reach the subsistence minimum, which is EUR 185.19 at present, he/she is considered to be in a state of material deprivation. Hence, he/she is entitled to receive the material deprivation benefit of EUR 60.50, ensuring the basic living conditions of the foreign national.</p> <p>Education: All foreign nationals have access to education (both school and university). Access to university however is conditional upon</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>submission of a valid travel document or ID and a demonstration of the education level reached.</p> <p>A University may request from foreigners who are not the nationals of EU Member State or have no permanent residence in an EU Member State the payment of a tuition fee at a special rate even during the standard duration of study.</p> <p>Labour market: A foreign national who was granted tolerated stay on the grounds of respect for his/her private life and family life can enter employment relations or similar labour relations.</p> <p>Travel: In the Slovak Republic, aliens, aliens' passport holders benefiting from a tolerated stay are not allowed to travel outside the territory of the Republic. They are allowed to leave the territory of the SR but not to return.</p>
Sweden	Impediment to enforcement	Outside		<p>Chapter 12, Section 18, subclause 3 of the Aliens Act permits a “stay of enforcement” or for a residence permit to be granted to a third-country national when new circumstances – such as medical or other special grounds – come to light that justify non-enforcement.</p> <p>(i.e. enforcement of the expulsion would order would separate family members for an unreasonably long time).</p>	Permanent resident permit	<p>Healthcare and welfare: When an alien is granted permanent residence permit or a time-limited residence permit, which can be used for civil registration, the alien will have access to social rights and benefits in the same way as Swedish citizens</p> <p>Education: The right and the possibility to preschool, child-care and education are not based on citizenship but on domicile in Sweden. Aliens are thus treated in the same way as Swedish citizens. It is not obligatory for asylum seeking children to attend school, although they have the right to – and are offered to – attend school. University studies and other postgraduate education are open to all citizens and stateless persons and does not require domicile in Sweden.</p> <p>Employment: When an alien is granted permanent residence permit, he or she does not need a special work-permit but will be able to work as an employee in the same way as Swedish citizens. Moreover, work permit is not necessary if an alien is self-employed in Sweden.</p> <p>If an alien is granted a time-limited residence permit, which can be used for civil registration, the alien will also be granted a work permit</p>

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Table 6 - Overview of protection statuses granted for family reasons

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>valid for the same period. The alien will thus be able to work as an employee in the same way as Swedish citizens.</p> <p>Travel: Swedish law does not restrict an alien’s right to move, settle or travel within the country if he or she has a residence permit. Travel documents are issued for all asylum-seekers after an application. A so called alien’s passport can be issued after application if an alien has no document that is valid as a passport and is not in a position to procure such a document. An alien’s passport shall be issued with a period of validity of not more than five years, and a note may be made in it – either when it is issued or later – restricting its area of validity. A note may be made in an alien’s passport, when issued, that the holder’s identity has not been confirmed.</p> <p>The Swedish Tax Agency can, after an application, issue identity cards to all persons registered in the Civil Register if they can prove their identity satisfactory.</p> <p>Family reunion: When the alien has received a permanent residence permit, there are no obstacles for his or her family (spouse and children under 18 years of age) to apply for residence permit too. If the marriage was established abroad and the family lived together abroad on a permanent basis, the spouse and children receive a permanent residence permit. Otherwise they only receive a temporary residence permit for the first two years. After two years the alien will usually be granted a permanent residence permit.</p> <p>An alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection can also receive a permanent residence permit. More distant family members can receive a residence permit on grounds of family reunifications if he or she has been a member of the same household, and there is a special relationship of dependence between the relatives which already existed in the country of origin.</p> <p>When there are “exceptional grounds,” a residence permit may also be</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						granted to an alien if the alien is a relative of an alien who is a refugee or a person otherwise in need of protection. This clause requires that the person resident in Sweden doesn't have any other relatives in Sweden, and that they have had a close relationship before.

Table 7 - Overview of national protection statuses granted to unaccompanied minors (UAMs)

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
Austria	Residence permit for unaccompanied minors, adopted in November 2009, no further information available at the time of the submission of the Austrian country report					
Belgium	Special protection status for non-EU unaccompanied minors	outside	Specific procedure to assess what is the most durable solution for the minor (Authorities involved are: the Bureau Minor; the guardians and the Immigration Department) (Three options qualify for a durable solution: 1) Family reunification in Belgium or abroad; 2) Return of the UM to the country of origin or any other country where he has a right of residence with	The specific protection status for UAMs is applicable to: -Unaccompanied minors who fulfil the following definition: not having reached the age of 18 years; are without the guidance of a person with parental authority or a person that has guardianship over the minor; and originating from a country that does not belong to the European Economic Area (EEA) -Who do not claim asylum (or whose asylum procedure has ended with a negative decision by the asylum authorities); and -Who have not claimed a residence status under another procedure (victims of trafficking, residence permit on medical or humanitarian grounds.	Duration of stay varies accordingly to the stage of the procedure: <u>At the introduction of the application</u> : Prolongation of removal order for one month or Issuance declaration of arrival valid for three months. <u>After 6 months</u> : Temporary residence permit granted valid for six months to one year. Prolonged if certain criteria are met. <u>After three years</u> : Permanent residence permit granted valid for one year. Renewal is not automatic.	Rights vary accordingly to the stage of the procedure (i.e. once the application is introduced; after 6 months; after 3 years)

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Table 7 - Overview of national protection statuses granted to unaccompanied minors (UAMs)

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			guarantees of an adequate reception and care; or 3) Unlimited stay or settlement in Belgium.			
Finland	Residence permit on compassionate grounds	Within	The investigation as to whether a person qualifies for protection on humanitarian grounds takes place (often immediately and automatically) after it has been ascertained that the requirements for granting refugee status or subsidiary protection are not met.	A continuous residence permit on compassionate grounds will be granted if rejecting the application is clearly unreasonable considering the applicant's health, ties established to Finland, or some other individual, humane reasons. This status is not solely addressed to unaccompanied minors but Unaccompanied minors (when there are no grounds for asylum or subsidiary protection) are considered as target group for this status.	Continuous	Access to health care is similar to that available to citizens Access to social welfare Access to accommodation Access to employment is not dependent on national labour market considerations Right to a travel document
Hungary	Residence permit on humanitarian ground granted to unaccompanied minors	outside	Part of the Aliens procedure Assessment whether the rules relating to UAMs apply to the under-age third country national in question. Assessment whether the UAM can be expelled. The responsible authority may assess whether any other viable opportunity (i.e. family reunification or	A UAM is defined as follow: A third-country national under the age of eighteen, who arrives on the territory of the Republic of Hungary unaccompanied by an adult responsible for her/him by law or custom, and for as long as she/he is not effectively taken into the care of such a person, or a minor who is left unaccompanied after she/he had entered the territory of the Republic of Hungary.	Temporary residence permit valid for maximum one year, renewable for maximum one year	Unlimited access to health care service free of charge Access to free-of-charge primary and secondary education No right to travel document Family reunification possible is compliance with the general rules

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			institutional childcare in another country)			
Malta	Temporary humanitarian protection	Within	Assessment of the application for international protection; when applicant does not meet requirements set for granting refugee status and subsidiary protection	Minor: UAMs would clearly qualify for Temporary Humanitarian Protection if they apply for asylum and are found ineligible for refugee status/subsidiary protection. Should not be returned to his /her country of origin on medical grounds Should not be returned to his / her country of origin on humanitarian considerations	1 year, can be renewed provided the circumstances warranting temporary humanitarian protection persist	Access to social welfare and medical care = limited to core benefits Access to employment may be restricted in light of national labour market considerations Right to travel document
Netherlands	Unaccompanied minor foreign national residence permit	outside	Following an application of a previous asylum procedure - when the application for asylum has been rejected or his/her asylum permit has been withdrawn. In practice, the investigation relating to the application for asylum partly coincides with the assessment related to whether this regular residence permit can automatically be granted.	Non-EU unaccompanied minors can be eligible for a temporary residence permit only if they cannot support themselves independently in the country of origin or another country they could reasonably go to and that there are no adequate reception provisions, according to local criteria, in the country of origin or another country they could reasonably go to. Non-EU unaccompanied minors who, during the procedure, do not cooperate with the investigation relating to reception possibilities in the country of origin or another country, will not be eligible for such temporary residence permit. 1) Minor: The child will be assessed as being underage in accordance with Dutch law. This means that the child has not yet reached the age of 18 and is not, or has not	Temporary residence permit for one year, renewed annually after an assessment of whether the non-EU unaccompanied minor still fulfils the conditions for being eligible for such permit. The temporary residence permit will, in any case, cease to be valid when the child reaches the age of 18. Only non-EU unaccompanied minors, who, upon reaching the age of 18, have already had a non-EU unaccompanied minor residence permit for three years, will in principle be entitled to a “continued residence permit.”	Medical assistance, social provisions, education and legal aid similar to the one provided to national citizens Access to work if the employer applies for a work permit ; and Possibility, subject to certain conditions, to obtain a travel document, if the third-country national is unable to obtain a travel document from another country, or who can prove that they cannot reasonably be required to apply for a travel document from another country.

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				been, married. 2) Unaccompanied: Foreign nationals are regarded as unaccompanied if they are not accompanied by adult parent(s) or a guardian assigned abroad.		
Netherlands	Third-country nationals who are unable to leave the Netherlands through no fault of their own	Outside	1)Automatically granted following a rejected application for asylum and/or for a regular residence permit 2) Via submission of an application: If, for example, the third-country national was unable to demonstrate during the asylum procedure that he was eligible for residency on the grounds of this policy, but now believes that he fulfils the conditions, he can still apply to the IND for a regular residence permit.	An non-EU unaccompanied minor who has exhausted all legal remedies may be eligible for a residence permit on the grounds of the policy relating to third-country nationals who are unable to leave the Netherlands through no fault of their own , if: – the third-country national, after having exhausted all legal remedies as a non-EU unaccompanied minor, has resided in the Netherlands for three consecutive years or longer despite having to be legally repatriated; – his departure from the Netherlands has not been arranged in that period of three years or longer; – the third-country national, after the end of that three year period, has not yet reached the age of eighteen; and – the third-country national has cooperated sufficiently with the investigation that, with a view to his repatriation, was carried out into adequate reception in his country of origin or third country.	Temporary residence permit granted for one year- can be extended by a maximum of one year each time. Can be granted a temporary residence permit for the purpose of continued residence if he/she has had a temporary regular residence permit for three years and who still fulfil the conditions of the special policy on which grounds previous residency was permitted.	Same medical assistance, social provisions and education rights as national citizens; Access to the labour market only if the employer has a work permit – when acquiring continued residence, employment is freely permitted (i.e. no work permit from the employer is required); Possibility to be issued a Dutch travel document, under certain conditions, if the third-country national is unable to obtain a travel document from another country or who can prove that they cannot reasonably be required to apply for a travel document from another country. The term of validity of this travel document depends on the permit that has been granted;

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						No right to family reunification – however, when acquiring a residence permit subject to the restriction of continued residence, family members will be eligible for family reunification or formation if the relevant additional conditions have been fulfilled.
Slovak Republic	Tolerated stay - Minor found in the territory of the Slovak Republic (Unaccompanied minor)	outside	Application for tolerated stay	The basic prerequisite for granting the tolerated stay permit is that the foreign national must not be older than 18 years, and that the minor foreign national stays in the Slovak Republic without the company of his/her parents or other adult person responsible for him/her under the law.	Tolerated stay permit granted for a maximum of 180 days. It may be extended repeatedly upon the request of the foreign national and persistence of the reasons for granting such permit.	Described in the 2009 EMN study related to national policies governing admission, integration and return of UAMs.
Slovenia	Permission to stay for aliens minors who have entered the territory of the Republic of Slovenia unaccompanied by their parents or other legal representatives and who have entered illegally	outside	NI (The report only stipulates that if it is not possible to return the illegally-staying minor to his/her country of origin or the country where he/she is a national, the police shall notify the Centre of Social Work which will immediately	In case of an alien minor unaccompanied by his/her parents or other legal representatives who has entered the territory of the Republic of Slovenia illegally or illegally resides in the Republic of Slovenia he/she must be immediately returned to the country of origin or handed over to representatives of the country of which he/she is a national. Exceptions prohibit return of the minor to his/her country of origin or to a third country which is willing to accept him/her: -until suitable reception is provided;	Allow to stay until the return of the UAM to another country (i.e. country of origin and/or a third-country willing to accept him/her)	An alien who has been permitted to stay temporarily has a right to: - emergency health care in accordance with law on health protection and health insurance; - basic care; - elementary schooling if aliens are still obliged to educate at elementary level. If an alien is accommodated in

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Table 7 - Overview of national protection statuses granted to unaccompanied minors (UAMs)

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
	or illegally reside in the Republic of Slovenia		assign a special custodian to the minor)	-in no case UAMs may be returned in violation of the Slovenia's international obligations.		the centre, he shall have secured accommodation and food as basic care.
Spain	Unaccompanied foreign minors residence permit	Outside	Residence permit is automatically granted upon request of the entity holding the guardianship. Exception to the requirement of work permit for those between 16-18 years being under the guardianship of a Spanish public body. In case of asylum claimers, judicial protection and residence permit are granted irrespective of his/her asylum application. Where an unaccompanied foreign minor applies on his/her own for asylum in Spain, he/she is referred to the Child Protection Services to receive the necessary assistance and to assume guardianship.	Foreign minors under 18 years of age located in the territory without the company of his/her parents or adult legally responsible.	Until the majority of age and while being under the guardianship of a Spanish public body.	Appointment of guardian. The minor is entitled to the same rights as the Spanish minors on an equal footing: Child Protection System refers the minor to a children's reception centre where s/he is accommodated, and is granted access to health care services, education, vocational training and other services.

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Table 7 - Overview of national protection statuses granted to unaccompanied minors (UAMs)

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			Once under the guardianship of the Child Protection Services, this body represents the child during the asylum process.			
United Kingdom	Discretionary leave	Within (UK having a unified application system)	All claims are considered firstly for grants of asylum, secondly for Humanitarian Protection and thirdly for Discretionary Leave.	Inadequate reception arrangements in the country of origin of the non-EU unaccompanied minor.	Discretionary Leave is granted to non-EU unaccompanied minors for three years or until the minor reaches the age of 17.5 years, whichever is the shorter period of time.	<p>Applicants granted Discretionary Leave have full access to the National Health Service, public funds (social benefits), social care, education and the labour market.</p> <p>They are expected to travel outside the Member State on their national passports¹⁰.</p> <p>When six years of Discretionary Leave have been completed, an application can be made for residency (settlement) or Indefinite Leave to Remain (ILR).¹¹</p>

¹⁰ However, if an applicant can show that they have been refused a national passport, they may apply for a Home Office Certificate of Identity (CID) for travel purposes.

¹¹ These renewal applications are subject to an ‘active review’ process undertaken by UK Border Agency.

Table 8 - Overview of stateless protection statuses

Table 8- Overview of stateless protection statuses						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
France	Status of stateless person	Outside	The French Office for Refugees and Stateless persons (OFPRA) ¹² is responsible for examining the application	The application procedure for stateless person is not regulatory. There are also no regulations relating to the residence of applicants for stateless person status. Yet, several court decisions have made it possible to define policy with regard to recognition of the status of statelessness: 1) The OFPRA cannot reject an application on the grounds that the person concerned invoked a nationality (Paris Administrative Court of Appeal, 30 December 1997), 2) Stateless status is of a recognitive nature (European Council (EC), 29 December 2000), and stateless persons are legally resident from the date of their application (EC, 22 January 1997), 3) Stateless status may be granted to a person of Palestinian origin, whose status deriving from UNRWAS's mandate has been discontinued (EC, 22 November 2006), 4) The parent of a stateless child cannot be removed as this	Temporary residence permit is granted for the recognised stateless person, the spouse and minor children. After 3 years, the recognised stateless person may obtain a long-term residence permit, valid for 10 years.	Right to family reunification - the temporary residence permit granted to stateless person also applies to the spouse and minor children of the stateless person; Access to the labour market.

¹² In French, l'Office français pour les Réfugiés et Apatrides.

Annex to EMN Synthesis Report: Non-EU harmonised protection statuses

Table 8- Overview of stateless protection statuses						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				would be a violation of stateless status or the child's private and family life (EC, 9 November 2007).		
Greece	Humanitarian and/or exceptional reasons	NA	NA	Persons covered by non-refoulement but not granted residence permit		They are entitled to the right of legally residing foreigners in Greece but they cannot travel, unless they can provide their status as de jure stateless in which case the Hellenic Police issues a travel document
Hungary	Stateless persons	Without	The articulation with the regular asylum procedure is not clearly explained.	According to Section 2 (b) of the Aliens Act, a stateless person shall mean a person a person who is not recognised as a citizen by any country under its national law; The statelessness determination procedure is a specific alien policing procedure, regulated by Chapter VIII of the Aliens Act. Hungarian law thus establishes clear legal criteria for the protection of stateless persons, without leaving significant discretionary powers to the decision-maker. Section 76 (1) of the Aliens Act makes only lawfully residing foreigners eligible to apply for stateless status, hence persons arriving and staying irregularly in Hungary are excluded from protection.	Maximum 1 year, renewable, humanitarian residence permit	The law does not foresee any accommodation arrangements or housing allowances for stateless persons. A person staying in Hungary with any of the non-EU-harmonised protection statuses but without any entitlement to social security is also entitled to basic public health care service. However, the scope of these services is more limited Therefore, from the point of view of access to the public health care system, non-EU harmonised protection statuses (with the exception of unaccompanied minors) provide significantly less favourable conditions than refugee status or subsidiary protection. - All beneficiaries of non-harmonised protection statuses enjoy equal access to free-of-charge primary and secondary education. As for higher education, victims of trafficking and stateless persons may only have access to participate in higher education on a fee-paying basis - Limited access to employment – only with work permit and proving that there is no qualified, Hungarian or other EEA-citizen applying for the

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Table 8- Overview of stateless protection statuses						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
						<p>same job</p> <p>- Among non-EU-harmonised statuses, only stateless persons are provided with a specific, bilingual travel document. The travel document is valid for maximum one year and it cannot extend beyond the validity of the stateless person's residence permit</p>
Netherlands	Third-country nationals who are unable to leave the Netherlands through no fault of their own	Outside	<p>1)Automatically granted following a rejected application for asylum and/or for a regular residence permit</p> <p>2) Via submission of an application: If, for example, the third-country national was unable to demonstrate during the asylum procedure that he was eligible for residency on the grounds of this policy, but now believes that he fulfils</p>	<p>A residence permit can be granted to third-country nationals who are unable to leave the Netherlands though no fault of their own.</p> <p>This may be the case, for example, if the third-country national is stateless and if he is unable to gain re-entry to the country where he previously had continuous residency.</p> <p>In order to become eligible for a residence permit on the ground on the basis that he/she is unable to leave the country through no fault of their own, the third-country national must first have contacted the representatives of his country of origin and any countries of previous residency. The third-country national becomes eligible for residency if all the following conditions are fulfilled:</p>	<p>Temporary residence permit granted for one year- can be extended by a maximum of one year each time.</p> <p>Can be granted a temporary residence permit for the purpose of continued residence if he/she has had a temporary regular residence permit for three years and who still fulfil the conditions of the special policy on which grounds previous residency was permitted.</p>	<p>Same medical assistance, social provisions and education rights as national citizens;</p> <p>Access to the labour market only if the employer has a work permit – when acquiring continued residence, employment is freely permitted (i.e. no work permit from the employer is required);</p> <p>Possibility to be issued a Dutch travel document, under certain conditions, if the third-country national is unable to obtain a travel document from another country or who can prove that they cannot reasonably be required to apply for a travel document from another country. The term of validity of this travel document depends on the permit that has been granted;</p> <p>No right to family reunification – however, when acquiring a residence permit subject to the restriction of continued residence, family members will be eligible for family reunification or formation if the relevant additional conditions have been fulfilled.</p>

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Table 8- Overview of stateless protection statuses						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			the conditions, he can still apply to the IND for a regular residence permit.	<p>1. The third-country national has himself tried to arrange his departure. He can prove that he has contacted the representatives of the country or the countries of which he has the nationality, or the country or the countries where he previously had his habitual residence as a stateless third-country national, and/or other countries with regard to which it can be assumed, on the basis of all the facts and circumstances, that the foreign national will be granted access; and</p> <p>2. he has contacted the IOM to facilitate his departure and this organisation has indicated that it is unable to arrange the departure of the third-country national due to the fact that the third-country national claims that he does not have travel documents; and</p> <p>3. he has requested mediation by the DT&V as regards obtaining the required documents from the authorities of the country he is allowed to go to, and this mediation has not produced the desired</p>		

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Table 8- Overview of stateless protection statuses						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>result; and</p> <p>4. there is a coherent whole of facts and circumstances which provide grounds for ascertaining that the person involved cannot leave the Netherlands through no fault of his own; and</p> <p>5. He is residing in the Netherlands without a residence permit and does not fulfil other conditions for a residence permit.</p>		
Spain	Stateless persons status	Outside	The Spanish Asylum and Refugees Office (General Directorate of Internal Policy) is the body responsible for studying the applications, after which the General Director of Internal Policy makes a recommendation for a decision to the Ministry of Interior.	<p>According to the Organic Law 4/2000 (11th January), and the Regulation of the Stateless Status Acknowledgement adopted by the Royal Decree 865/2001(20th July), the requirements are established in the 1954 United Nations Convention on the Status of Stateless Persons.</p>	<p>A residence permit granted for five years to recognise Stateless Persons.</p> <p>During the proceedings, the applicant's temporary stay may be authorised.</p>	<p>Recognition of statelessness entitles the person to a residence permit, family reunification benefits and work rights in Spain. The person is issued a Statelessness Status card as well as travel document.</p>

Table 9 - Overview of tolerated stay

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Austria	Tolerated stay called "Duldung"	It takes place outside of the asylum procedure; however it can be connected to a previous asylum procedure.	The Aliens' Police is the responsible authority	The recent Government Bill (adopted in November 2009, entered into force in January 2010) introduced tolerated stay (" <i>Duldung</i> ") for persons who may not be removed due to the principle of non refoulement or whose removal is impossible due to factual reasons that do not originate from the persons. According to Art. 69a of the Residence Act, if a person had a tolerated stay for at least one year a residence permit can be to be issued provided that he/she does not constitute a threat to public order and security of the Republic of Austria or has not been sentenced for a crime.	Not defined by law; the ID card for tolerated persons is valid for one year and is renewable.	They obtain a card confirming their identity but they do not have a right to residence. Access to the labour market is granted, if the person has obtained a work permit.
Belgium	1. Suspension of removal measures for families with school going children in a situation of illegal stay 2. Delay of departure / prolongation of declaration of	NA	NA	1. This concerns families residing illegally in Belgium, with school going children under 18 years, can apply to be granted a suspension of the execution of a removal order until the end of the school year. (among other, recent proof of enrolment in school is required) - only applies to removal orders which have been issued from the beginning of the Easter holidays until the end of the school year.	NA	1. Failed asylum seekers who have requested the suspension of the removal order because of school attending children, will benefit from an extended right to material aid: social aid is provided in kind and the UAM will have access to medical care where the reception centre will cover the costs. 2. With regard to rights attached to a delay of departure or an exceptional prolongation of the residence title or declaration of arrival it can be stated that these short terms measures do not aim to generate any further claims to long term residence,

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Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
	arrival or temporary residence title 3. Suspension of removal for certain categories of failed asylum seekers for which the Immigration Department automatically deferred removal orders			2. Delay of departure / prolongation of declaration of arrival or temporary residence title: In certain cases delay of departure or an exceptional prolongation of a declaration of arrival (tourist/business visit) or of a temporary residence permit are allowed. Some of these cases are protection-related, for instance when: a) a foreign national cannot leave the country due to illness and/or treatment thereof or pregnancy; b) a foreign national intends to marry another foreign national legally residing in Belgium or a Belgian national. In these cases, removal from the territory would constitute a violation of respectively article 3 ECHR and article 8 ECHR. 3. These cases are to be understood as a general acknowledgment of non-refoulement vis-à-vis failed Afghan asylum seekers, in a time where subsidiary protection was not yet in force in Belgian legislation e.g. orders to leave the territory, given to Afghan nationals who had introduced an asylum application before 1 January 2003, were to be temporarily suspended finally until 1 March 2006.		travel documents, access to the labour market or family reunification. However, some constitutional rights are guaranteed

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Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Czech Republic	<p>1. Visa for residence longer than 90 days as a leave to remain in the country under the Asylum Act</p> <p>2. Visa for residence as a leave to remain under the Act of Residence on Foreign Nationals</p> <p>3. Long-term residence permit as a leave to remain in the country</p>	<p>1. Within¹³</p> <p>2. Outside¹⁴</p> <p>3. Outside¹⁵</p>	<p>N/A</p> <p>See <i>Grounds/ Requirements</i></p>	<p>1. Issued to those foreign nationals, who have filed a cassation complaint against the decision of a court on a legal action against a decision of the Ministry of Interior in a case of international protection;</p> <p>2. issued on the following conditions to a foreign national:</p> <p>a) who is prevented from leaving the country by an obstacle beyond his/her control, or if there are the reasons referred to as “reasons preventing departure from the country; b) who is a witness or an injured party in criminal proceedings and his/her participation in the proceedings is necessary; c) the foreign national has filed a certain application for a residence status under specific circumstances defined by the law; d) whose departure from the country is not possible under Section 120a of the Act on the Residence of Foreign Nationals – i.e. when the Police - while preparing</p>	<p>1. Absolutely necessary period (set by the policy); but not for more than 1 year. Can be repeatedly renewed. Validity terminates when a court decision becomes legally effective.</p> <p>2. Absolutely necessary period. Maximum period of validity being 1 year.¹⁶</p> <p>3. Validity period of 1 year, can be repeatedly extended.</p>	<p>1. Limited rights because it is a status limited in time. Health care and education provided, no access to the social security except for the extraordinary immediate assistance benefits, access to the labour market after 12 months with work permit issued regardless of the situation in the labour market.</p> <p>2. Health-care and education provided, entitled to the extraordinary immediate assistance benefits and after 365 days elapsed also to state social support, can work with a work permit issued without labour market test.</p> <p>3. Health-care and education provided, entitled to the extraordinary immediate assistance benefits and after 365 days elapsed to state social support can work with a work permit issued without labour market test</p>

¹³ Even though this visa is specified under the Asylum Act, it is on the other hand **not** issued on the basis of the need for protection.

¹⁴ Even though this visa is specified under the Act on Residence of Foreign Nationals, it is on the other hand issued on the basis of the need for protection.

¹⁵ Even though this long-term residence permit is specified under the Act on Residence of Foreign Nationals, it is on the other hand issued on the basis of the need for protection.

¹⁶ or 6 months in the cases comprehensively defined by the law

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Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>administrative expulsion - is informed by the Ministry of Interior that is not possible for the foreign national to leave the country (Section 179)</p> <p>3. A foreign national with a visa issued as a leave to remain under the Act on the Residence of Foreign nationals (i.e. 2) if the foreign national's stay in the territory of the Czech Republic is going to be longer than 1 year and if the reasons, for which the visa was issued, continue to exist."</p>		
Finland	Temporary Residence Permit when the alien cannot be removed from the country (so-called 'Duldung status')	NA	NA	<p>New Section 88a of the Finnish Aliens Act covers also situations under Section 51 when an alien cannot actually be returned to one's home country or country of origin. Section 51 is so called "duldung" status, which was applied widely during 2004-2006 for Afghan, Somali and Iraqi nationals without grounds for asylum/subsidiary protection or any other residence permit. As the new Section 88a came into force, it was stipulated that continuance for expiring temporary residence permits under Section 51 may be granted in accordance with Section 88a if removal is still impossible (Section 51 Issuing</p>	NA	<p>Right to restricted employment was included in the Aliens Act with the law amendment of 2009. If the work exceeds the time limits set in Section 80, the alien is required to have a residence permit for an employed person.</p> <p>Further, if the residence permit under Section 51 is granted for temporary reasons of health or actual impediment for removal, the alien is not entitled to family reunification.</p>

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Table 9 - Overview of tolerated stay						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				residence permits in cases where aliens cannot be removed from the country).		
Germany	Granting of residence in cases of hardship	Outside	After unsuccessful asylum application (rejection) and with impending removal.	For foreigners who are subject to an enforceable obligation to leave the country but who can, in cases of particular hardship, be issued with a residence permit by means of an instruction issued by the competent supreme Land authority. The foreigner in question must be subject to an enforceable obligation to leave the country and this must be a case of hardship. Additional factors that should be taken into consideration as well as the presence or otherwise of humanitarian or personal reasons include the duration of the foreigner's residence in Germany to date, his/her economic and social integration and the disadvantageous conjunction of personal and economic circumstances that exclude the affected foreigner from being covered by other forms of protection such as the "Right of residence regulation"	Residence permit (standard duration 2 years)	Subordinate access to labour market, unrestricted access after 3 years.
Germany	Temporary suspension of removal (Duldung)	Outside	For groups of persons, the assessment is made by the	Issued in cases in which removal is impossible for factual or legal reasons but also for reasons of international law or humanitarian	Temporary suspension of the removal, variable duration (can be	Subordinate access after waiting period of 1 year; unrestricted after 4 years at the latest, unless residence is abusive

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			Supreme Lander Authority. For individuals, local Foreigners' Authorities are responsible for the assessment.	reasons or for pressing humanitarian or personal reasons.	extended / renewed)	Right to family reunification not applicable
Germany	Residence for persons who are subject to an enforceable obligation to leave the country	Outside	After unsuccessful asylum procedure (rejection) or when no asylum application is lodged.	A foreigner who is enforceably required to leave the Federal territory may be granted a residence permit if his or her departure is impossible in fact or in law and the obstacle to deportation is not likely to be removed in the foreseeable future.	Residence permit (duration according to the facts of the individual case). Transformation into settlement permit possible after 7 years.	Subordinate access to the labour market; unrestricted access at the latest after 3 years
Hungary	Tolerated status	Within	NA	The asylum authority (the Asylum Directorate of the Office of Immigration and Nationality), having established that the asylum applicant does not qualify for refugee status or subsidiary protection, examines whether her/his expulsion from Hungary would be in breach of the non refoulement principle 1. The prohibition of refoulement prevails if the person seeking recognition is exposed to the risk of persecution due reasons of race, religion, nationality, membership of a particular social group or political	NA	NA

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>opinion or to death penalty, torture, cruel, inhuman or degrading treatment or punishment in her/his country of origin for, and there is no safe third country which would admit her/him.</p> <p>2. In the case of an unaccompanied minor, the prohibition of refoulement also prevails if the unification of the family or any state or other institutional care is not possible either in her/his country of origin or in another state receiving her/him.</p> <p>3. In its decision relating to the refusal of an application for recognition or the revocation of recognition, the asylum authority shall establish whether the prohibition of refoulement prevails or not</p>		
Ireland	Temporary leave to remain	Outside	Prior to proposed deportation consequent on a proposal of intention to deport having been served.	There are two qualifications to the Minister's power to make such a deportation order. The first makes the Minister's power to make a deportation order subject to the provisions of section 5 of the Refugee Act, 1996, which provides a prohibition on any person being expelled from the State in any manner whatsoever where, in the Minister's opinion, the life or	Discretionary Typically one year, renewable.	Discretionary. Vary depending on personal circumstances and the prevailing economic and other circumstances in the State.

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Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>freedom of that person would be threatened on account of the matters set out in that section.</p> <p>The second qualification on the power conferred on the Minister to make a deportation order arises from the provisions of section 3(3) and (6) of the Immigration Act, 1999 which require the Minister to have regard to representations made by the proposed deportee, and certain specified matters, before deciding whether to proceed with the making of a deportation order.</p>		
Netherlands	Third-country nationals who are unable to leave the Netherlands through no fault of their own	Within and/or outside	<p>1) Automatically granted following a rejected application for asylum and/or for a regular residence permit</p> <p>2) Via submission of an application: If, for example, the third-country national was unable to demonstrate during the asylum</p>	<p>All third-country nationals are able to return to their country of origin. Nevertheless, exceptional situations may arise in which a foreign national is unable to leave the Netherlands through no fault of his own because he cannot obtain the necessary travel documents, despite their being no doubt about the details he has provided regarding his identity and nationality. This may be the case, for example, if the foreign national is stateless and if he is unable to gain re-entry to the country where he previously had continuous residency.</p> <p>In these cases the foreign national may be eligible for a residence</p>	<p>Temporary residence permit granted for one year- can be extended by a maximum of one year each time. Can be granted a temporary residence permit for the purpose of continued residence if he/she has had a temporary regular residence permit for three years and who still fulfil the conditions of the</p>	<p>Same medical assistance, social provisions and education rights as national citizens;</p> <p>Access to the labour market only if the employer has a work permit – when acquiring continued residence, employment is freely permitted (i.e. no work permit from the employer is required);</p> <p>Possibility to be issued a Dutch travel document, under certain conditions, if the third-country national is unable to obtain a travel document from another country or who can prove that they cannot reasonably be required to apply for a travel document from another country. The term of validity of this travel document depends on the permit that has been granted;</p> <p>No right to family reunification – however, when</p>

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Table 9 - Overview of tolerated stay						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			procedure that he was eligible for residency on the grounds of this policy, but now believes that he fulfils the conditions, he can still apply to the IND for a regular residence permit.	permit under the restriction 'residency as a foreign national who, through no fault of his own, cannot leave the Netherlands'. There are three categories of third-country nationals who may become eligible for a residence permit on the grounds of the policy applicable to foreign nationals who are unable to leave the Netherlands through no fault of their own. These categories are: foreign nationals who have tried to leave unsuccessfully, non-EU unaccompanied minors and third-country nationals who have exhausted all legal remedies and who cannot leave for medical reasons.	special policy on which grounds previous residency was permitted.	acquiring a residence permit subject to the restriction of continued residence, family members will be eligible for family reunification or formation if the relevant additional conditions have been fulfilled.
Poland	Permit for tolerated stay	Both Can be granted within the asylum procedure only after refusing to grant the refugee status but also under the expulsion procedure or during the procedure for withdrawing	Aimed at third country nationals who do not meet the conditions to be granted any type of resident status. Applicable during the whole procedure of gaining residency and	The permit for tolerated stay could be issued to a third-country national in a situation in which his/her expulsion: 1. could be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived the right to fair trial, or could be punished without any legal grounds—within the meaning of the	Up to one year, renewable	Access to free education until completing post-gymnasium school (or until reaching the age of 18) Same access to further education in public post-secondary schools, public teacher training centres and other public institutions as Polish nationals and possibility to apply for higher education studies Unlimited access to labour market and entitlement to unemployment benefits May benefit to social assistance Same access to health care as Polish nationals May be issued a Polish and/or temporary travel

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Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
		national asylum	asylum procedure.	<p>Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;</p> <p>2. Would violate the right to family life in the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms dated 4 November 1950, or would violate the children’s rights as set out in the Convention on the Rights of the Child adopted by the United Nations Assembly General on 20 November 1989, to a degree that would significantly endanger the child’s physical and mental development;</p> <p>3. was unenforceable due to reasons beyond the control of the authority executing the decision on expulsion or the foreigner;</p> <p>4. could only be effected to a country to which extradition is inadmissible on the basis of court’s judgment on inadmissibility of a foreigner’s extradition or on the basis of a decision of the Minister of Justice on the refusal to extradite the foreigner;</p> <p>5. would be effected for reasons other than a threat to the defence or security of the state or public security and order, and the foreigner was a spouse of a Polish citizen or of a foreigner holding a permit to settle.</p>		<p>document</p> <p>Permit to settle obtain after 10 years of uninterrupted residence in Poland</p>

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Table 9 - Overview of tolerated stay						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Portugal	Residence permit for family reasons	Outside	NI	Restrictions to removal due to family reasons are applicable in Portugal. Third-country nationals cannot be removed from the country if they were born in Portugal and reside here; have lived in Portugal before the age of 10 and still reside here, have effective custody of minor children of Portuguese nationality who reside in Portugal; have minor children who are third-country nationals but resident in Portugal on which they exert effective parental authority.	Temporary residence permit granted for one year, renewable	<p>Right to exercise a subordinate or independent professional activity</p> <p>Access to education and schooling</p> <p>Access to professional guidance and training</p> <p>Access to healthcare</p> <p>Right to access courts</p> <p>Guaranteed coverage by dispositions that ensure equal treatment for foreign citizens, namely in terms of social security, tax benefits, trade union membership, the recognition of diplomas, certificates and other professional qualifications or access to goods and services available to the public</p>
Slovak Republic	Tolerated stay	outside	NA	<p>The status is granted in five types of cases:</p> <ul style="list-style-type: none"> - Impediment to administrative expulsion; - When departure is not possible and detention is not purposeful; - Minor found in the territory of the Slovak Republic (Unaccompanied minor); -Victim of a criminal offence related to trafficking in human beings; - When required for respect for private and family life. 	180 days renewable	<p>No obligation for the State to the health insurance of third-country nationals granted tolerated stay: the Healthcare Act foresees the possibility for them to acquire an individual health insurance at a health insurance company;</p> <p>If the monthly income of a third-country national having a tolerated stay permit does not reach the subsistence minimum, which is EUR 185.19 at present, he/she is considered to be in a state of material deprivation. Hence, he/she is entitled to receive the material deprivation benefit of EUR 60.50, ensuring the basic living conditions of the foreign national. The Act on Assistance in Material Deprivation stipulates that a third-country national</p>

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Table 9 - Overview of tolerated stay						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p><i>Impediment to administrative expulsion:</i></p> <p>a) threat to the life of a foreign national on the grounds of his/her race, nationality, religion, membership in a certain social group, or political conviction; or</p> <p>b) threat of torture, cruel, inhuman or humiliating treatment, or punishment; or</p> <p>c) death penalty, or threat of death penalty under pending criminal proceedings;</p> <p>d) threat to the freedom of a foreign national on the grounds of his/her race, ethnicity, religion, belonging to a certain social group or political conviction, with the exception of a foreigner who by means of his/her conduct endangers the security of the state, or if he/she was convicted for a particularly serious crime and constitutes a danger to the SR.</p> <p><i>If departure is not possible and detention is not purposeful:</i></p> <p>A certain obstacle to departure independent of the will of the foreign national (for example, the foreigner</p>		<p>has identical status to a national of the Slovak Republic for the purposes of ensuring the basic living conditions and assistance in material need.</p> <p>Free education at elementary and secondary school and right to study at university provided that the third-country national meets the basic conditions for admission – possibility for the university to require the payment of a special tuition fees.</p> <p>As a general rule, a third-country national granted tolerated stay must not undertake business and enter employment relations or similar labour relations – specific rules of access to labour market exist for certain kinds of tolerated stay – see Tables 6 (Tolerated stay granted for respect for private and family life) and 10 (Tolerated stay for victim of a criminal offence related to trafficking in human beings).</p> <p>No possibility to travel outside the Slovak Republic.</p> <p>No specific regulation for family reunification for third-country nationals granted tolerated stay.</p> <p>Specific rights are provided to unaccompanied minors, victim of a criminal offence related to trafficking in human beings and persons in</p>

Annex to EMN Synthesis Report: Non-EU harmonised protection statuses

Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				has been hospitalised for a longer period of time; he/she lost or was robbed of his/her travel document and is waiting to obtain a new document; the foreigner's planned flight has been delayed and his/her visa expires; or any other serious circumstances), and his/her detention is not purposeful.		situations that require respect for private and family life who are granted tolerated stay. ¹⁷
Slovenia	Permission to stay	N/A	N/A	Prohibition of deportation of an alien in cases when the deportation or return of an alien to a country in which his/her life or freedom would be endangered on the basis of race, religion, nationality, membership of a special social group or political conviction, or to a country in which the alien would be exposed to torture or to inhumane and humiliating treatment or punishment.	Extend of the permission to stay (Article 52 of the AA): - For six months, or - May be extended if the reasons still exist.	NA
Spain	Suspension of removal	Outside		The regulation implementing Immigration Law orders the suspension of removal for women whose removal poses a risk for their pregnancy.		
Sweden	Impediment to Enforcement	Both within and outside the asylum	N/A	The status is granted when it is not possible to proceed an expulsion if the alien would be in danger of	Permanent residence permit in case of new	Persons granted a permanent residence permit have the same rights as all other persons that are residents in the country.

¹⁷ For further information on the specific rights provided to these categories of persons granted tolerated stay, please refer to the Slovak National Report pp.26-32.

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Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
		procedure.		<p>suffering death penalty; or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment in the country, to which he or she is sent; or if the alien is not protected in this country from being sent on to a country in which the alien would be in such danger.</p> <p>The Aliens Act also provides a possibility to order a “stay of enforcement” or grant a residence permit to an alien when new circumstances – such as medical or other special grounds – come to light</p> <p>This provision has been applied in cases in which:</p> <ul style="list-style-type: none"> –the alien suffers from severe health-problems that the transportation/travel could cause a danger to his or her life, or; –the enforcement of the expulsion order would separate family members for an unreasonably long time 	circumstances that constitute a permanent impediment to enforcement	
United Kingdom	Discretionary Leave	within	All asylum claims are considered firstly for	<p>Granted most often for reasons relating to the European Convention of Human Rights.</p> <p>1) Where a person would qualify for</p>	1)Granted for a six-month period only and subject to review at the time	Applicants granted Discretionary Leave have full access to the National Health Service, public funds (social benefits), social care, education and the labour market.

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Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			asylum, secondly for Humanitarian Protection and thirdly for Discretionary Leave.	a grant of asylum or Humanitarian Protection, but has been excluded as undeserving of protection on grounds of being a war criminal or other serious criminality, for example, the applicant can normally claim that their Article 3 of the European Convention of Human Rights ¹⁸ would be infringed if returned to their country. 2) Leave for a period of three years is granted to applicants who do not qualify for grants of asylum or Humanitarian Protection, but whose return to their country of origin would: <i>Breach Article 3 of the European Convention on Human Rights¹⁹</i> : For example, where a person’s medical condition or severe humanitarian conditions in the country of return would make return contrary to Article 3. <i>Breach Article 8 of the European Convention on Human Rights²⁰</i> : For	an application is made for further leave; 2) For three years.	They are expected to travel outside the Member State on their national passports ²¹ . When six years of Discretionary Leave have been completed, an application can be made for residency (settlement) or Indefinite Leave to Remain (ILR). ²²

¹⁸ Article 3 of the European Convention on Human Rights stipulates that: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

¹⁹ Article 3 of the European Convention on Human Rights stipulates that: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

²⁰ Article 8 of the European Convention on Human Rights stipulates that: Everyone has the right to respect for his or her private and family life, his or her home and his or her correspondence.

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Table 9 - Overview of tolerated stay

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				<p>example, in the context of a marriage or civil partnership application where, although the requirements of the Immigration Rules are not met (for example, because the correct entry clearance is not held), there are genuine Article 8 reasons that would make return inappropriate.</p> <p><i>Breach other Articles of the European Convention on Human Rights:</i> For example, an applicant may argue that conditions in his or her country of origin are such that they would be completely denied the right to freedom of religion under Article 9.</p> <p><i>Any other exceptionally compelling case falling outside the Immigration Rules.</i></p>		

²¹ However, if an applicant can show that they have been refused a national passport, they may apply for a Home Office Certificate of Identity (CID) for travel purposes.

²² These renewal applications are subject to an ‘active review’ process undertaken by UK Border Agency.

Table 10 - Overview of protection statuses granted to victims of trafficking

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
Austria	Residence permit special protection	Outside	The residence permit can be granted upon application of the victim or <i>ex officio</i> by the authorities	Permits are granted “in order to guarantee the prosecution of criminal offences or in order to lodge and enforce civil claims in connection with these criminal actions, especially regarding witnesses and victims of human trafficking and cases of cross-border prostitution trafficking”.	Minimum six months, renewable	Health care and welfare: health care and care is provided under the programmes specifically designed to offer support to the victims of trafficking. Education: Access to primary and secondary education Labour market: Access to the labour market is granted if a third-country national has a work permit Right to travel: there are no limitations on the right to travel
Belgium	Residence status for victims of human trafficking and aggravated forms of human smuggling	Outside		<ul style="list-style-type: none"> - they may not return to the persons or network that was exploiting them; - they must agree to be counselled by a recognised and specialised reception centre; - they must cooperate with the authorities investigating the crimes, by making statements or making a complaint against the persons or networks that have exploited them. 	1st phase: Suspension of order to leave territory (45 days); For UAMs, the temporary residence permit of 3 months is issued immediately (see report p.104) 2nd phase: Temporary residence permit (three months); 3rd phase: Temporary residence permit (six months); 4th phase: Permanent residence permit. (i.e. issued to the victim if: his statements or	Health care and welfare: Under the first two stages the victims who are in reception centres and receive material aid and have a right of access to medical assistance. Those that are not in reception centre receive social aid provided by the Public Social Welfare Centres and benefit equally from a right of access to medical assistance; under stage 3 of the procedure, access to medical care, including the right to a medical insurance, is ensured by registering with a health insurance provider, whilst during temporary stay victims are entitled to social aid provided by the Public Social Welfare Centres; and, under stage 4

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
					<p>complaint have led to a sentence or if the public prosecutor has been able to retain the element of human smuggling or an aggravated form of human trafficking as a part of his charge)</p>	<p>(once granted permanent residence permit), access to medical care, including the right to a medical insurance, is granted by registering with a health insurance provider whilst those entitled to permanent stay can also access state benefits, such as family benefits.</p> <p>Education: Access to primary and further education (for all stages of the procedure)</p> <p>Labour market: For stage 1 to 3 of the procedure: Need a work permit (type C, annually renewable, valid for any profession, obtained with few formalities), as well as a ‘professional card’ for purposes of self-employment.</p> <p>For stage 4 (once granted permanent residence permit): Exempted from work permit and professional card.</p> <p>Family reunification: No right under phases 1 and 2.</p> <p>Under phase 3: Right to family reunification (husband/wife, partner, children minor than 18 years) but must prove sufficient housing and health insurance in respect. of all risks normally covered for Belgian nationals. Family reunification also applies to handicapped dependent children over 18 years, but in this</p>

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>case proof of stable, regular and sufficient means of existence is required.</p> <p>Family members receive a temporary residence permit valid for the same amount of time as the one of the main beneficiary.</p> <p>Under phase 4 (once granted permanent residence permit): Right to family reunification (husband/wife, registered partner, children minor than 18 years) but must prove sufficient housing and health insurance in respect of all risks normally covered for Belgian nationals. Family reunification also applies to handicapped dependent children over 18 years, but in this case proof of stable, regular and sufficient means of existence is required.</p> <p>Family members obtain a temporary residence permit valid for three years which afterwards is replaced by a permit of permanent residence.</p>
Bulgaria	Statute of special protection to the victims of illegal traffic of people who cooperate with the investigation.	Outside		Individuals who have declared their willingness to collaborate for disclosure of the trafficking offenders are granted statute of special protection for the time of the criminal proceedings.	Long term	<p>Healthcare and welfare: Accommodation in shelters with medical and social support provided under the programme. Yet, the stay in the shelters is extended in compliance with the term</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>determined by the ruling of the prosecutor however it cannot exceed the term of conclusion of the penal proceedings.</p> <p>Travel: The report states that the persons granted this special protection status benefit from the rights of permanently staying within the meaning of the Law on Foreigners in the Republic of Bulgaria, with the exception of the right under art. 35, para 2 of the Law on Foreigners, which stipulates that "A foreigner who has a permission for continuous stay shall be able to leave the country and to return back without a visa till the elapse of the permitted term for stay."</p> <p>Accommodation: in shelters.</p>
Czech Republic	Long-term Residence for the Purpose of Protection in the Territory – for Victims of Trafficking in Human Beings and Persons Who Have Been the Subject of an Action to Facilitate Illegal Immigration.	Outside		<ul style="list-style-type: none"> · a probable victim of a trafficking crime; or · a person for whom illegal crossing of a state border was organised or made possible, or a person who was assisted to achieve an illegal stay in the country, whose testimony is important for exposing the offender or the organised groups engaged in organising or facilitating illegal crossing of a state border or assisting to achieve an illegal stay in the country. The condition of 	Minimum six months, renewable	<p>Health care: Holder of a long-term residence permit for the purpose of protection in the territory of the Czech Republic falls into the category of the public medical insurance, provided that it is not possible to ensure payment in any other way.</p> <p>Social benefits/ welfare: The foreign national with registered place of residence in the territory of the Czech Republic according to the</p>

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				<p>cooperation with the police applies for both above mentioned grounds.</p>		<p>Act on the Residence of Foreign Nationals is entitled to state social support benefits from the date, on which 365 days elapsed from the date of registration of the place of residence.</p> <p>Education: For the purposes of studies, a holder of a long-term residence permit for the purpose of protection in the territory of the Czech Republic is regarded as a foreign national with permitted permanent residence in CZ, that is to say: The same conditions apply to foreign nationals as the ones that apply to the citizens of the Czech Republic – for children, there is the obligatory nine-year school attendance; there are obligatory admission examinations for studies at secondary schools and universities. Studying at public and governmental schools in the Czech language is free in the Czech Republic.</p> <p>Labour market: For the purpose of employment, a holder of a long-term residence permit for the purpose of protection in the territory of the Czech Republic is considered to be a foreign national with permitted permanent residence in CZ, that is to</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>say: Same access to the labour market as a citizen of CZ. He/she is entitled to unemployment benefit if he/she meets the conditions defined by the law.</p> <p>Travel: A holder of a long-term residence permit for the purpose of protection in the territory of the Czech Republic can be issued with a travel identity card, if he/she cannot procure a travel document in any other way for reasons beyond his/her control. Such a travel identity card has territorial validity for all countries of the world and its validity period is identical to the validity period of the long-term residence permit issued for the purpose of protection in the territory of the Czech Republic.</p> <p>Family reunification: This permit can be issued to a circle of family members defined by the law</p>
Estonia	Temporary residence permit may due to substantial public interest	Outside		<p>1) he/she is a victim or witness in criminal proceedings the object of which is a crime related to human trafficking within the meaning of the Council framework decision 2002/629/JSK on fight against human trafficking,</p> <p>2) he/she has previously facilitated the clarification of the circumstances of the crime proof or has given consent to do it</p>	One year, renewable	<p>Medical assistance: Right to receive emergency care (i.e. health services which are provided by health care professionals in situations where postponement of care or failure to provide care may cause the death or permanent damage to the health of the person requiring care) + eligible for</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				<p>and 3) he/she has stopped all relations with the person who is suspected or accused of committing a crime.</p>		<p>receiving psychological care. Financial assistance: financial support on the same ground and to the same extent than the persons enjoying international protection (minimum subsistence based on consumption expenses and urgent small expenses). Right to obtain all supports and services provided for in the Social Welfare Act (subsistence benefit and other assistance). Labour market: Support offered by the Social Welfare Act includes labour market training, career counselling, support for business start-up etc + right to employment without the work permit. Family reunification: No special conditions for this category - Can take place on the same grounds than other aliens staying in Estonia with temporary residence permit (spouse of the Alien can apply for residence permit after two years of permanent residence - needs to share economic ties, psychological and not fictional relationship and application for residence permit needs to be justified) Due to the fact that pursuant to the</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>Aliens Act, long term residence permit is not issued to the victims of human trafficking, they have no possibility of reunification with family members (children, (grand)parents, ward) other than spouse.</p> <p>Housing: Can be accommodated, if necessary, for the period of application for the residence permit and in the event of granting the residence permit, at the reception centre for asylum seekers or at the location established by the Ministry of Social Affairs or authorities within the jurisdiction of the Ministry of Social Affairs. When determining the place of stay of an unaccompanied minor, the priority is given to the rights and interests of the minor and unity of a family will be preserved. An unaccompanied minor is accommodated with an adult relative, under guardianship or care in a family or in a social welfare institution for children.</p>
Finland	No formal name (+ also Residence permit on compassionate grounds refers to witnesses to a trial on	Outside the asylum procedure but may also be investigated within the		when there are well-founded reasons to believe that they are victims of human trafficking, they have broken the contacts with the criminals and are willing to help the authorities to solve the crime.	Six months to a year	No information

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	human trafficking)	asylum procedure if any suspicions appear.				
France	Temporary residence card with the mention “private and family life” issued to victims who cooperate with the police services by acting as a witness, or lodge a complaint against those who have committed offences relating to trafficking	Outside		The issue of this document is dependent upon an acknowledged willingness to cooperate and reintegrate from the victim, who must, furthermore, have ceased any illegal activity and have severed all ties with the network exploiting them.	Discretionary	The report only mentions a 2007 Decree which specifies the implementing provisions for the law relating to the residence, protection, reception and accommodation of foreign nationals who are victims of human trafficking. Yet, no more details provided.
Germany	Victims of human trafficking	Outside	Anytime after entry into the Federal territory	* he or she has become the victim of the criminal offence of human trafficking for the purposes of sexual exploitation (§ 232 of the German Criminal Code), for the purpose of work exploitation (§ 233 of the Criminal Code) or for assisting in human trafficking (§ 233a of the Criminal Code). The Act does not give the possibility of residence to victims of people smuggling; * he or she will only remain in Germany on a temporary basis; * his/her presence within the territory of the Federal Republic is considered by the public prosecutor’s office or a criminal	Depending on the individual circumstances	Right to medical care Right to social benefits Right to education

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				<p>court to be appropriate for criminal proceedings in respect of this criminal offence because without the information he or she can provide, it would be more difficult to investigate the facts of the case;</p> <p>* he or she has broken off all connections with the persons who are accused of having committed the criminal offence in question, and</p> <p>* he or she has declared his/her willingness to testify as a witness in these criminal proceedings.</p>		
Greece	Residence on humanitarian grounds (only for unaccompanied minors victims of trafficking)	No information		No information	One year, renewable	<p>Healthcare and welfare: Third country nationals residing in Greece are insured with the relevant insurance organisation and have the same insurance rights as Greek nationals. In case they are destitute they are granted free of charge medical and health assistance</p> <p>Education: guaranteed</p> <p>Labour market: The residence permit granted on humanitarian grounds guarantees to third-country nationals the access to dependent employment and to the provisions of services or work. Independent economic activity is allowed only when the previous residence permit allowed such activity and they are simply continuing it.</p>

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>Minors are entitled to work subject to the specific restrictions of the Greek labour legislation</p> <p>Travel: Beneficiaries of this type of status are allowed to travel only if they have national passports. In case they are stateless they are allowed to request to the Hellenic Police the issuance of the travel document provided for in the 1954 Convention on the Status of Stateless Persons (provided that they can prove their status as de jure stateless persons)</p> <p>Family reunification: Beneficiaries of this type of status are entitled to family reunion. The residence permits of the family of the beneficiary are renewed for period equal to the validity of the permit for humanitarian reasons.</p> <p>If requirements of a steady and regular annual personal income, sufficient to cover the family needs, are not met the permit may be issued notwithstanding such provision.</p> <p>Family formation: guaranteed</p>
Hungary	Victims of human trafficking	Outside		e) for substantial national security or law enforcement reasons – upon the initiative of a public prosecutor, a judge or the National Security Service – any third-country national, or other affiliated third-country nationals on her/his account, who	Six months, renewable as a humanitarian permit	Healthcare and welfare: Victims of trafficking are entitled to be accommodated free of charge during 18 months after the status has been granted. Victims of trafficking are also entitled to a monthly housing

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				cooperates with the authorities in crime investigation providing significant assistance in gathering evidence.		<p>allowance for a maximum period of 18 months, but in their case the amount is considerably lower than for EU harmonised statuses.</p> <p>Basic public health care services (similarly to any person residing on Hungarian territory). However, the scope of these services is more limited and covers only:</p> <ol style="list-style-type: none"> 1. Vaccinations, epidemic examinations, mandatory medical examinations, quarantine, transportation of persons suffering from a contagious disease; 2. Ambulance services if the person needs immediate help; 3. Health care services in emergency cases and afterwards until the stabilisation of the patient's conditions; 4. Health care services in case of a disaster <p>Education: All beneficiaries of non-harmonised protection statuses enjoy equal access to free-of-charge primary and secondary education. As for higher education, victims of trafficking and stateless persons may only have access to participate in higher education on a fee-paying basis</p> <p>Labour market: Limited – only</p>

Table 10 - Overview of protection statuses granted to victims of trafficking						
Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						with work permit and proving that there is no qualified, Hungarian or other EEA-citizen applying for the same job Travel: not allowed Family reunification: Yes, according to general rules (livelihood, accommodation and full health insurance must be shown)
Ireland	Temporary residence permission for victims of trafficking	Outside		In circumstances where the Minister is satisfied that - (a) the person has severed all relations with the alleged perpetrators of the trafficking, and (b) it is necessary for the purpose of allowing the suspected victim to continue to assist the Garda Síochána or other relevant authorities in relation to an investigation or prosecution arising in relation to the trafficking	6 months, renewable	No information
Lithuania	Protection granted to victims of human trafficking	Outside. This is not considered to be a form of international protection by LT.		An adult alien, who is or was a victim of human trafficking and cooperates with pre-trial investigation agency or courts in fighting human trafficking or crimes related to human trafficking, provided that the pre-trial investigation agency or courts mediate in the issue of temporary residence permit to this alien.	No information 6 months, renewable (if the pre-trial investigation agency or courts mediate)	No information The same as required to be granted by the directive 2004/81/EC
Netherlands	Temporary residence permit in connection with prosecution of	Outside	Victims or witnesses file a report on human		One year, renewable The validity of the residence permit for	Access to labour market – no work permit required

Table 10 - Overview of protection statuses granted to victims of trafficking

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
	human trafficking		trafficking with the local police		<i>victims</i> of human trafficking correspond (at least) with the length of criminal proceedings, whereas that for <i>witnesses</i> to human trafficking depends on whether the Public Prosecutor deems it important for the third-country national to remain on the Dutch territory.	
Poland	Residence permit issued to victims of trafficking in human beings	Outside	When there is a suspicion that a third-country national may be a victim of human trafficking, a representative of a law enforcement agency shall commence actions, filling in a report form for the ' <i>Program for support and protection of a victim/witness of trafficking in human beings</i> ' and sending it to the	To be granted a residence permit for victims of trafficking in human beings, a third-country national shall: -Decide to report a crime; -Start to cooperate with law enforcement agencies in charge of combating trafficking in human beings; and -Terminate contacts with persons suspected of committing illegal actions related to trafficking in human beings. In addition, his/her stay is justified for a period longer than three months.	At least six months with a possibility to extend it to two years	Access to education guaranteed from the age of 7 to 18 and access to public post-secondary schools, public teacher training centres and other public institutions under certain conditions (i.e. as scholarship holders or on fee-paying basis) Access to labour market if the third-country national has a work permit Entitlement to social assistance Access to health care (provided within the <i>Programme for support and protection of victims/witness of trafficking in human beings</i>)

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
			coordinator of the Programme in the Ministry of the Interior and Administration with copies to respective coordinators in the Police, Border Guard and Prosecution office.			<p>Possibility to travel if the third-country national still have a valid travel document form his/her country of origin</p> <p>Family reunification permitted when the stay needs to be prolonged more than two years to guarantee their participation in criminal proceedings</p> <p>Permit to settle granted after 10 years.</p>
Portugal	Residence permit issued to victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration	Outside		<p>1- A residence permit is given to the foreign citizen who is or has been a victim of penal infractions connected to trafficking in human beings or subject of an action to facilitate illegal immigration even if he/she has illegally entered the country or doesn't fulfil the conditions for receiving a residence permit.</p> <p>2- The residence permit mentioned in the preceding number is issued after the expiry of the reflection period as foreseen in article 111.º if:</p> <p><i>a)</i> It is necessary to extend the permanence of the concerned party in national territory considering the interest his/her presence may have to judicial investigations and proceedings;</p> <p><i>b)</i> Whether he/she shows a clear intention</p>	One year - shall be renewed for equal periods if the conditions listed in n.º 2 are still met or if there is need to maintain the protection of the person identified as victim of trafficking in human beings, under special legislation.	<p>Healthcare and welfare: Social benefits are accessible to all foreign citizens and their family members who reside legally in the country. In this regard, the Constitution of the Portuguese Republic consecrates a vast list of social rights, including the right to healthcare, education and social security which, except for dispositions to the contrary, are universally applicable.</p> <p>Right to access the healthcare provided within the framework of the National Health Service (stipulated in the Constitution and reaffirmed in the Foreigners' Law).</p> <p>Education: In PT, a universal right enshrined in the Constitution. The State is responsible for ensuring universal basic education, which is</p>

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Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				<p>to cooperate with the authorities in the investigation and repression of trafficking in human beings and facilitation of illegal immigration;</p> <p>c) Whether he/she has severed all relations with those suspected of the offences listed in the preceding number.</p> <p>3- The residence permit may be granted before the expiry of the reflection period foreseen in article 111.º, if it is clear that the concerned party fulfils the criterion set out in sub-heading <i>b)</i> of the preceding number.</p> <p>4- It may also be granted after the expiry of the reflection period foreseen in article 111.º a residence permit to the foreigner citizen who is identified as a victim of trafficking in human beings under special legislation, exempted of the conditions laid down in sub-headings <i>a)</i> and <i>b)</i> of n.º 2.</p>		<p>free and compulsory between the ages of 6 and 15. Adequate support provided by the State to children of immigrants. Reaffirmed in foreigners' Law.</p> <p>Labour market: Access to the labour market and the residence of third country nationals in Portugal are provided by a single document. Foreigners who have been granted residence permits in special situations have the right to exercise a professional activity without needed another authorisation, as well as to access professional guidance, training and higher levels of training.</p> <p>Travel: for all legal purposes, the residence permit substitutes the identification document: therefore, possibility to travel.</p> <p>Family reunification: As holders of residence permits, foreigners covered by the protection in question can benefit from family reunification under the terms of the general regime. This right covers family members who are outside the national territory (and, in exceptional cases, those who are in Portugal in a regular situation), who have lived with the resident in the</p>

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						other country or depend on the resident. Family members of holders of temporary residence permits are issued a residence permit of an identical duration. As a general rule, after two years have passed, or whenever the holder who is entitled to family reunification has minor children resident in Portugal, the family members will be entitled to an autonomous residence permit
Portugal	Residence Permits to be granted, waiving the requirement of a residence visa, in special situations, including individuals who have benefitted from a residence permit under the terms of the legal regime regarding protection of victims of penal infractions linked to human trafficking or aiding and abetting illegal immigration.	Outside		The absence of any fact that, if known by the competent authorities, would prevent the granting of the visa; The absence of a conviction for a crime that in Portugal would be punishable by a sentence depriving the individual of freedom for a duration of more than one year; and The absence of indications in the Schengen Information System and the Integrated Information System of the SEF to not admit the individual in question. Applicants must have housing, means of subsistence, a certificate testifying to the absence of a criminal record issued by the country of origin and a valid passport. They are also subject to a Portuguese criminal background check by the SEF (foreigners and borders service). It is necessary to present a statement by	One year, renewable for successive period of two years	Healthcare and welfare: Social benefits are accessible to all foreign citizens and their family members who reside legally in the country. In this regard, the Constitution of the Portuguese Republic consecrates a vast list of social rights, including the right to healthcare, education and social security which, except for dispositions to the contrary, are universally applicable. Right to access the healthcare provided within the framework of the National Health Service (stipulated in the Constitution and reaffirmed in the Foreigners' Law). Education: In PT, a universal right enshrined in the Constitution. The State is responsible for ensuring

Table 10 - Overview of protection statuses granted to victims of trafficking

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				<p>the judicial authorities declaring that the need for collaboration has ceased or a certificate testifying to the judicial decision (Art. 61, Paragraph 15)</p>		<p>universal basic education, which is free and compulsory between the ages of 6 and 15. Adequate support provided by the State to children of immigrants. Reaffirmed in foreigners' Law.</p> <p>Labour market: Access to the labour market and the residence of third country nationals in Portugal are provided by a single document. Foreigners who have been granted residence permits in special situations have the right to exercise a professional activity without needed another authorisation, as well as to access professional guidance, training and higher levels of training.</p> <p>Travel: for all legal purposes, the residence permit substitutes the identification document: therefore, possibility to travel.</p> <p>Family reunification: As holders of residence permits, foreigners covered by the protection in question can benefit from family reunification under the terms of the general regime. This right covers family members who are outside the national territory (and, in exceptional cases, those who are in Portugal in a regular situation), who</p>

Table 10 - Overview of protection statuses granted to victims of trafficking						
Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>have lived with the resident in the other country or depend on the resident.</p> <p>Family members of holders of temporary residence permits are issued a residence permit of an identical duration. As a general rule, after two years have passed, or whenever the holder who is entitled to family reunification has minor children resident in Portugal, the family members will be entitled to an autonomous residence permit</p>
Slovak Republic	Tolerated stay - victims of criminal offence related to trafficking in human beings	Without		<p>Provided that the person concerned is at least 18 years old, when the person voluntarily applies for the permit and suspends his/her contacts with the criminal organisations.</p>	<p>Prior to granting the permit the person is granted the permission to stay for 90 days to consider his/her cooperation with the police.</p> <p>Tolerated stay granted for the maximum of 180 days, and extended repeatedly upon the request of the third-country national and if persistence of the reasons for granting such permit</p>	<p>Healthcare and welfare: These needs are covered under the Programme for victims of trafficking:</p> <ul style="list-style-type: none"> * isolation from the criminal environment; * the possibility of anonymous accommodation, if requested by the victim; * complex care during the entire duration of criminal proceedings in case the victim decides to cooperate with the law enforcement agencies, or during the period of preparation of the foreigner for return to his/her country of origin in case he/she wishes to do so; * financial support; * social assistance;

Table 10 - Overview of protection statuses granted to victims of trafficking

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<ul style="list-style-type: none"> * psycho-social counselling; * psychotherapeutic services; * legal counselling; * legalisation of stay; * interpreting; * healthcare; * retraining courses; * long-term social integration; * the possibility of participation in the witness protection programme; * Assistance in the voluntary return to the country of origin, or arranging assistance of a nongovernmental organisation in the country of origin. <p>Education: All foreign nationals have access to education (both school and university). Access to university however is conditional upon submission of a valid travel document or ID and a demonstration of the education level reached. A University may request from foreigners who are not the nationals of EU Member State or have no permanent residence in an EU Member State the payment of a tuition fee at a special rate even during the standard duration of study</p> <p>Labour market: A foreign national, who became the victim of a criminal offence related to trafficking in</p>

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>human beings, may enter employment relations or similar labour relations during the course of validity of the tolerated stay permit.</p> <p>Travel: In the Slovak Republic, aliens, aliens' passport holders benefiting from a tolerated stay are not allowed to travel outside the territory of the Republic. They are allowed to leave the territory of the SR but not to return.</p> <p>Family reunification: The reunification of family members with a foreign national who was granted tolerated stay permit in the territory of the SR is not regulated specifically by any legal regulation.</p>
Slovenia	Permission to stay for victims of trafficking in human beings	Without		Permission to stay for victims of trafficking in human beings is conditional by their decision to participate as a witness in criminal proceedings regarding trafficking in human beings	Six months to one year	<p>Healthcare and welfare: emergency health care and basic care</p> <p>Education: elementary schooling if aliens are still at an age at which education is mandatory</p> <p>Labour market: If a temporary residence permit has been issued: right to employment under the conditions defined by the act regulating the employment and work of aliens</p> <p>Travel, family reunification and</p>

Table 10 - Overview of protection statuses granted to victims of trafficking						
Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						formation: not allowed
Spain	Exceptional residence permit by cooperation with authorities	Outside		Persons who cooperate with the administrative, police, tax or judicial authorities, or when there are reasons of public interest or national security justifying the need to authorise their residence in Spain.	One year, renewable	Labour market: Work permit never dependent on the national employment situation
United Kingdom	Discretionary leave	Within (UK having a unified application system)	All claims are considered firstly for grants of asylum, secondly for Humanitarian Protection and thirdly for Discretionary Leave.	Discretionary Leave may be granted to victims of trafficking in well-defined circumstances, within the UK's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (Council of Europe, 2005). One of the main conditions to be granted such permit is the agreement to cooperate with the Police.	Granted for one year – may be extended where it is felt necessary. ²³	Applicants granted Discretionary Leave have full access to the National Health Service, public funds (social benefits), social care, education and the labour market. They are expected to travel outside the Member State on their national passports ²⁴ . When six years of Discretionary Leave have been completed, an application can be made for residency (settlement) or Indefinite Leave to Remain (ILR). ²⁵

²³ For example, where a criminal prosecution takes longer than expected and the prosecuting authorities have confirmed that an extension is required.

²⁴ However, if an applicant can show that they have been refused a national passport, they may apply for a Home Office Certificate of Identity (CID) for travel purposes.

²⁵ These renewal applications are subject to an 'active review' process undertaken by UK Border Agency.

Table 11 - Overview of protection statuses on granted to witnesses to criminal proceedings

Table 11 - Overview of protection statuses on granted to witnesses to criminal proceedings						
Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
Austria	Residence Permit Special Protection	Outside	The residence permit can be granted upon application of the victim or <i>ex officio</i> by the authorities	Residence permit is granted in order to guarantee the prosecution of criminal offences or in order to lodge and enforce civil claims in connection with these criminal actions	Minimum six months, renewable	Health care and welfare; health care and care is provided under the programmes specifically designed to offer support to the victims of trafficking. Education: Access to primary and secondary education Labour market: Access to the labour market is granted if a third-country national has a work permit Right to travel: there are no limitations on the right to travel
Germany	Temporary residence permit	Outside	Anytime	if 'a foreigner is needed as a witness in judicial proceedings or is collaborating with the German authorities in the investigation of criminal offences'	Depending on the individual circumstances	Access to medical care and certain social benefits Education is accessible to beneficiaries Access to employment is dependent on national labour market considerations
Greece	Residence permit granted within the temporary judicial protection system	Outside		No information	One year renewable	Medical care and social benefits Education Dependent employment
Netherlands	Temporary residence permit in connection with prosecution of human trafficking –	Outside	Victims or witnesses file a report on human trafficking with the local police		One year, renewable The validity of the residence permit for <i>victims</i> of human trafficking correspond (at least) with the length	Access to labour market – no work permit required

Table 11 - Overview of protection statuses on granted to witnesses to criminal proceedings

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
	encompassing forced prostitution but also all other forms of modern slavery and exploitation.				of criminal proceedings, whereas that for <i>witnesses</i> to human trafficking depends on whether the Public Prosecutor deems it important for the third-country national to remain on the Dutch territory.	
Poland	Residence permit for a fixed period issued to a foreigner who illegally stays in Poland if Polish provisions requires from a foreigner his/her appearance in Polish court	Outside	N/A	<p>The Act of Foreigners foresees the possibility to issue a residence permit for a fixed period of time if an exceptional personal situation that requires the presence of the foreigner on the territory of Poland has occurred.</p> <p>Such personal exceptional situation may cover cases when a third-country national who illegally resides on the territory of Republic of Poland is required to appear in Polish court.</p>	<p>For a fixed period of time necessary to fulfil the purpose for which it is issued</p> <p>Up to two years</p>	<p>Access to health care if the beneficiaries of such form of protection have an insurance policy</p> <p>Access to education from the age 7 to 18.</p>
Spain	Exceptional residence permit for collaboration with Justice	Outside		<p>Spanish Immigration Act foresees the exceptional residence permit for collaboration with Justice. However, the collaboration of foreigners is not foreseen in the Witness Protection Law. The <i>Consejo General de la Abogacía</i> (General Professional Association</p>	One year renewable	Temporary residence and work permit

Table 11 - Overview of protection statuses on granted to witnesses to criminal proceedings

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
				of Lawyers) has pointed out the usual employ of testimonies as pre-constituted evidences, the expulsion of witness and then, the reproduction of the testimony at the trial. Although Spanish Immigration Act allows this possibility, it is uncommon in practice.		
Sweden	Tribunal witnesses'	Within and outside		No information	No information	<p>Healthcare and welfare: When an alien is granted permanent residence permit or a time-limited residence permit, which can be used for civil registration, the alien will have access to social rights and benefits in the same way as Swedish citizens</p> <p>Education: The right and the possibility to preschool, child-care and education are not based on citizenship but on domicile in Sweden. Aliens are thus treated in the same way as Swedish citizens. It is not obligatory for asylum seeking children to attend school, although they have the right to – and are offered to – attend school. University studies and other postgraduate education are open to all citizens and stateless persons and does not require domicile in Sweden.</p> <p>Employment: When an alien is granted permanent residence permit, he or she does not need a special work-permit but will be able to work as an employee in the same way as Swedish citizens. Moreover, work permit is not necessary if an alien is self-employed in Sweden.</p>

Table 11 - Overview of protection statuses on granted to witnesses to criminal proceedings

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>If an alien is granted a time-limited residence permit, which can be used for civil registration, the alien will also be granted a work permit valid for the same period. The alien will thus be able to work as an employee in the same way as Swedish citizens.</p> <p>Travel: Swedish law does not restrict an alien's right to move, settle or travel within the country if he or she has a residence permit. Travel documents are issued for all asylum-seekers after an application. A so called alien's passport can be issued after application if an alien has no document that is valid as a passport and is not in a position to procure such a document. An alien's passport shall be issued with a period of validity of not more than five years, and a note may be made in it – either when it is issued or later – restricting its area of validity. A note may be made in an alien's passport, when issued, that the holder's identity has not been confirmed. The Swedish Tax Agency can, after an application, issue identity cards to all persons registered in the Civil Register if they can prove their identity satisfactory.</p> <p>Family reunion: When the alien has received a permanent residence permit, there are no obstacles for his or her family (spouse and children under 18 years of age) to apply for residence permit too. If the marriage was established abroad and the family lived together abroad on a permanent basis, the spouse and children receive a permanent residence permit. Otherwise they only receive a temporary</p>

Table 11 - Overview of protection statuses on granted to witnesses to criminal proceedings

Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
						<p>residence permit for the first two years. After two years the alien will usually be granted a permanent residence permit.</p> <p>An alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection can also receive a permanent residence permit. More distant family members can receive a residence permit on grounds of family reunifications if he or she has been a member of the same household, and there is a special relationship of dependence between the relatives which already existed in the country of origin.</p> <p>When there are “exceptional grounds,” a residence permit may also be granted to an alien if the alien is a relative of an alien who is a refugee or a person otherwise in need of protection. This clause requires that the person resident in Sweden doesn’t have any other relatives in Sweden, and that they have had a close relationship before.</p>

Table 12 - Overview of national protection statuses granted on the ground of “national interest”

Table 12 - Overview of national protection statuses granted on the ground of “national interest”						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Czech Republic	Permanent residence in the interest of the Czech Republic	outside	Application filled in Czech Republic embassy abroad and/or in special cases, in the territory of the Czech Republic (i.e. application to be submitted to the Ministry of Interior)	Discretionary ground Granted to individuals who are of significant interest to the Czech Republic. Such abilities include expertise of certain workers in their specific fields (highly qualified workers), exceptional sport or cultural performances etc	Permanent residence permit (i.e. not limited in time – no need to be renewed) Identity card granted for a 10-years period (renewed for 10-years, repeatedly)	Same right as the ones enjoyed by a citizen of the Czech Republic with several exceptions ²⁶
Germany	Admission from abroad [...] for safeguarding the political interests of the Federal Republic	outside	In order to be eligible, third-country nationals must still be located in a foreign country. Admission decided by the Federal Ministry of Interior or by an office nominated by the said ministry	Discretionary ground E.g. admission of known members of the opposition or dissidents, individual refugees from overburdened host states, or indeed individual persons for whom, in the view of the German security authorities, allowances should be made.	Residence Permit. Settlement permit can be granted after 7 years	Immediate unrestricted access to the labour market Limited right to family reunification (spouse and minor children only)
Germany	Temporary residence [...] if the temporary presence of the third-country national in question within Germany would serve the public interest	outside	The foreigners’ authorities must, prior to the issuance of any residence permit, draw up a prognosis as to whether the reasons of public interest present in the case genuinely call for a temporary residence or rather for a residence of	The residence of the third-country national is necessary for the safeguarding of the interest of German security authorities or because of interests relating to foreign policy or sports policy.	Foreigners’ authorities must, in advance, evaluate whether the foreigner in question will leave the country again once the circumstances that	Subordinate access to the labour market, unrestricted after 3 years. Family reunification not applicable.

²⁶ Exceptions to the rights attached to permanent residence permit are: the right to found political parties and political movements and to associate in them; the right to participate in the administration of public affairs directly or through free election of their representatives; the right to resist anyone who would remove the democratic order of human rights and fundamental freedoms, established by the Charter, if the activities of the constitutional authorities and the effective application of legal means have been made impossible; the right to reasonable financial security at an old age and in the event of incapacity to work as well as in the event of the loss of a breadwinner; the rights awarded by Article 25 to citizens constituting a national or ethnic minority; the rights defined in Article 26(2) according to which the law can define conditions and restrictions for performance of certain professions or activities.

Table 12 - Overview of national protection statuses granted on the ground of “national interest”

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
			longer, albeit undetermined, duration.		necessitate his/her temporary presence no longer apply. Not designed to establish any permanent right of residence. Yet, a residence permit may be extended, if, “by reason of special circumstances pertaining to the individual case, leaving the territory of Germany would constitute an exceptional hardship for the foreigner.” Settlement can be granted after 7 years	
Germany	Admission by the German Federal when special political interests apply (This legal basis has been used for resettlement schemes)	Outside	Before a foreign national enters Germany	Federal Ministry of the Interior (BMI) must reach agreement with Supreme Länder Authorities in respect of the “special political interests.” Following this, the BMI instructs the Federal Office for Migration and Refugees (BAMF) on which foreigners from particular countries or groups of foreigners are to be admitted. The grounds for	Dependent on the design of each admission / resettlement scheme	Dependent on the design of each admission / resettlement scheme. (Usually full right to family reunification and unrestricted access to labour market, education and health care.)

Table 12 - Overview of national protection statuses granted on the ground of “national interest”

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				protection vary from one admission scheme to another.		
Poland	Residence permit for a fixed period issued to a foreigner who illegally resides on the territory of the Republic of Poland if it is required by the interest of the Republic of Poland	Outside		The stay of illegally-staying third-country nationals can be legalised by the respective administrative body if it is required by the interest of the Republic of Poland.	For a fixed period of time necessary to fulfil the purpose for which it is issued Up to two years	Access to health care if the beneficiaries of such form of protection have an insurance policy Access to education from the age 7 to 18.
Poland	Residence visa (uniform short stay Schengen visa and Polish long-stay national visa) issued if it is required by the interest of the Republic of Poland .	Outside		The Polish Act on Foreigners foresees the possibility to issue a residence visa (i.e. either a uniform short-stay Schengen visa or a Polish long-term national visa) if the State’s interest requires so.	Uniform short stay visa: may not exceed 3 months Polish long-stay national visa: may not exceed 1 year Can only be prolonged in certain circumstances	Access to health care if the beneficiaries of such form of protection have an insurance policy Access to education from the age 7 to 18.
Portugal	Special visa and/or Residence permit granted on the grounds of reasons of national interest	outside	On the initiative of the Minister for the Internal Administration or by means of a proposal by the National Director of the Aliens and Borders Service	Discretionary ground. Can be granted to third-country nationals who do not meet the usual legal requirements stipulated in general law. The special visa is aimed to the admission in the country and temporary stay/protection for sudden and/or unexpected situations of national interest	15 days, possible extension by 60 days	Right to access education and schooling, Right to exercise subordinate or independent professional activities, Access to professional guidance and training, healthcare and access to the legal system and courts. Application of dispositions that ensure equal treatment for third-country nationals,

Table 12 - Overview of national protection statuses granted on the ground of “national interest”

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
						namely in terms of social security, tax benefits, trade union membership, the recognition of diplomas, certificates and other professional qualifications or access to goods and services available to the public, as well as the application of dispositions that grant them special rights.
Spain	Temporary residence permit issued in exceptional circumstances	Outside		Spanish Immigration Law lays down two options for granting residence permits on the basis of “national interest.” Firstly, the <i>Ministry of Labour and Immigration</i> can issue a residence permit on the ground of general interest and the <i>Ministry of Home Affairs</i> on the ground of national security. Secondly, a long-term residence permit for persons who have contributed noticeably to economic, scientific or cultural advancement of Spain or the promotion of the country abroad, can be issued by decision of the <i>Minister of Labour and Immigration</i> .	One year renewable	

Table 13 - Overview of national protection statuses to victims of specific offences

Table 13 - Overview of national protection statuses to victims of specific offences						
Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
Greece	Residence permit for humanitarian ground, covering victims of labour or other accident	outside	NI	To hold a prior residence permit	Usually issued for the period of the treatment or in case they retire for the same reason One year, renewable for an equal period of time	Access to medical assistance, social support and education: similar to third-country nationals legally residing in Greece. Access to labour market (dependent employment). Right to exercise an independent economic activity only when they previously held a residence permit that allowed them to practice an independent activity and such activity continues. Entitled to travel only if they have national passports. Entitled to family reunion with family members living outside Greece. Allowed to family reunification within the country
Greece	Residence permit for humanitarian ground, covering victims of racist acts	outside	As part of the judicial proceedings	To hold a prior residence permit	If criminal proceedings were initiated for such crimes and until the delivery of the court judgement One year, renewable for an equal period of time	Access to medical assistance, social support and education: similar to third-country nationals legally residing in Greece. Access to labour market (dependent employment). Right to exercise an independent economic activity only when they previously held a residence permit that allowed them to practice an independent activity and such activity continues. Entitled to travel only if they have national passports. Entitled to family reunion with family members living outside Greece Allowed to family reunification within the country
Portugal	Residence Permit granted, waiving the requirement of a residence visa, to individuals who are or have been victims of a serious or very serious penal or administrative offence in terms of labour relations	outside	Granted under an autonomous procedure (Permit granted to this category of victims as long as they have reported the infractions to the competent authorities and collaborate with them)	Permit granted to victims of a serious or very serious penal or administrative offence in terms of labour relations, translating into conditions of a lack of social protection, exploitation in terms of wages and working hours, corroborated by the General Labour	Under the terms of the general regime, a temporary residence permit is valid for a period of one year, renewable for successive periods of two years	Same rights and duties as any third-country national resident in Portugal and covered by dispositions ensuring equal treatment to third-country nationals (in terms of social security, tax benefits, trade union membership, recognition of diploma, certificates or other professional qualifications, or access to goods and services available to the public, as well as the application of dispositions that grant them special rights). Right to exercise a subordinate or independent professional activity, Access to education and schooling, professional guidance and training, Healthcare, Right to access courts.

Table 13 - Overview of national protection statuses to victims of specific offences

Member State	Name of protection status	Within or outside asylum procedure	At which stage does the assessment take place?	Grounds/ Requirements	Duration of stay	Rights
				Inspectorate.		
Spain	Temporary residence permit on humanitarian grounds given to foreign nationals who are victims of offences [...] with the aggravating circumstance of racism, anti-Semitism or other type of discrimination	outside	As part of judicial proceedings (Collaboration with responsible authorities - Residence permit granted once a conviction has been brought for the offence reported)	Permit granted due to exceptional circumstances of a humanitarian nature to foreign victims of offences against workers' rights when the offence committed had racist or anti-Semitic motives or another type of discrimination relating to ideology, religion or the beliefs of the victim, the person's ethnicity, race or nation, sex or sexual orientation, or any illness or disability.	Temporary residence permit, valid for one year, renewable	Access to labour market not dependent of the national employment situation
Spain	Temporary residence permit on humanitarian grounds given to foreign nationals who have been victims of domestic or gender-based violence	outside	As part of judicial proceedings (Collaboration with responsible authorities - Residence permit granted once a conviction has been brought for the offence reported)	Permit granted to foreign nationals who have been victims of domestic or gender-based violence	Temporary residence permit, valid for one year, renewable	Access to protection programmes against gender based-violence Access to education and/or training activities Access to the labour market should be facilitated (not dependant of the national employment situation)

Table 14 - Overview of residence as a consequence of the Minister using his discretionary power

Table 14 - Overview of permission to land or be in the state						
Member State	Name of protection status	Within or outside	At which stage does the assessment take place?	Grounds/Requirements	Duration of stay	Rights
Ireland	Permission to land or be in a state	Outside	NI	Not specified – this is granted on a discretionary basis	No information	No information
Netherlands	Residence as a consequence of the Minister using his discretionary power	Outside	NI	The restrictions applicable to the granting of a regular residence permit are listed in Article 3.4, paragraph 1 of the Aliens Decree. However, the Minister of Justice has the discretionary power (freedom to decide) to grant a regular residence permit subject to a different restriction to the one referred to. This discretionary power is laid down in Article 3.4, paragraph 3 of the Aliens Decree. This power can be invoked in two ways. If unforeseen cases are of a categorical nature , a policy rule will be drawn up the whole group, usually on the grounds of this power. In addition, exceptional individual situations may provide grounds for proceeding to grant using the discretionary power.	Non-temporary, unless determined otherwise when the residence permit is granted.	Medical assistance, social provisions and education: same rights and entitlements as national citizens; Travel document can be issued under certain conditions Family members eligible for family reunification or family formation