



## **EMN Ad-Hoc Query on ES Ad hoc Query on Humanitarian Protection**

Requested by ELENA DE LA ORDEN RODRIGUEZ on 2nd June 2017

### **Protection**

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (20 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

In Spain humanitarian protection is not fully regulated by law. Article 125 of Royal Decree 557/2011 of 20 April that implements Organic Law 4/2000 of 11 January, on the rights and freedoms of foreign nationals in Spain and their social integration, states the following:


“It will be possible grant an authorization for reasons of international protection to the persons that the Secretary of the Interior, at the suggestion of the Inter-ministerial Commission of Asylum and Refuge, have authorized the permanency in Spain in conformity with the foreseen in articles 37.b) and 46.3 of the Law 12/2009, of October 30, regulatory of the right of asylum and of the subsidiary protection, as well as the foreigners displaced in the sense regulated in the regulation on temporary protection in case of massive abundance of displaced persons. Likewise, it will be possible grant an authorization of temporary residence in the cases that there foresees the norm of development of the Law 12/2009, of October 30”.


In order to elaborate on the concept of humanitarian protection, which is currently under review, the ES NCP would be interested in the following questions:

### **Questions**

1. Does your legislation have a specific regulation for humanitarian protection?.a) Yes b) No
2. If Yes:a) What are the criteria for eligibility?.b) What is the procedure?.c) What effects and rights does this statute grant?.d) What is its duration?.
3. Please provide available data regarding humanitarian protection statutes granted and nationalities, referred to the year 2016 and, first trimester of 2017.



### **Responses**




	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	Yes	<b>1.</b> a) Yes. <b>2.</b> Please see p. 54–56 of the EMN-Study on the Organization of Asylum and Migration Policies in

			<p>Austria, available at <a href="http://www.emn.at/wp-content/uploads/2017/01/organisation-study_AT-EMN-NCP_2016.pdf">www.emn.at/wp-content/uploads/2017/01/organisation-study_AT-EMN-NCP_2016.pdf</a>.</p> <p><b>3.</b> According to the Asylum Statistics of the Federal Ministry of the Interior, 1,546 humanitarian residence permits have been granted in the year 2016. The most humanitarian residence permits have been granted to nationals of the Russian Federation (253), Nigeria (136), Serbia (127), UNSC resolution 1244-administered Kosovo (72), Mongolia (59) and Turkey (57). In the first trimester (January through April) of 2017, 358 humanitarian residence permits have been granted according to the Asylum Statistics of the Federal Ministry of the Interior (see <a href="http://www.bmi.gv.at/cms/BMI_Asywesen/statistik/start.aspx">www.bmi.gv.at/cms/BMI_Asywesen/statistik/start.aspx</a>). The most humanitarian residence permits in 2017 have been granted to nationals of the Russian Federation (50), Serbia (40), Mongolia (36), Nigeria (23), Turkey (18) and Kosovo/UNSC 1244 (17).</p>
	Belgium	Yes	<p><b>1.</b> In Belgium, in case of a positive decision on an asylum application refugee status or subsidiary protection status is granted. There is no humanitarian protection status in Belgium as a result of an asylum application. However, although these are not protection statuses, it is worth mentioning that there is a legal basis in the law to issue: a) a long-term visa on the basis of humanitarian reasons (article 9 of the Immigration Act) =&gt; application from abroad b) a residence permit for humanitarian reasons (article 9bis of the Immigration Act) =&gt; application in Belgium. Only possible if there are 'exceptional circumstances' why the person cannot apply from abroad. This is a discretionary competence (a favour not a right) of the State Secretary of Immigration and Asylum and the Immigration Office. c) a residence permit for medical reasons (article 9ter of the Immigration Act) for persons who suffer from a very serious illness and who cannot be adequately treated in their country of origin, and this under specific conditions ⇒ application in Belgium .</p> <p><b>2.</b> As, said humanitarian protection status as such does not exist. Concerning the other procedures mentioned under (1): a) A long-term humanitarian visa (article 9 of the Immigration Act). An application from abroad, in the country of origin. There are no legally set processing times for the procedure. There are no eligibility criteria stipulated in the legislation. The authorities have discretionary power. In practice, a visa is mostly granted for reasons related to family reunification for certain dependent persons and only in specific circumstances. Foreigners with a long-term</p>

humanitarian visa get a temporary residence permit – renewal is often conditionally and dependency on the social aid will probably have an effect on their residence rights. They have in principle no access to a work permit. b) A residence permit for humanitarian reasons (article 9bis of the Immigration Act). It is an exceptional procedure, which allows a foreign national without a residence permit in Belgium to request an authorization for long stay on humanitarian grounds. He/she cannot be eligible for any other immigration status - foreseen in the legislation. He/she needs to pay a retribution (administrative fee) to the Immigration Office prior to filing the application, Show that he/she is in extraordinary circumstances that do not allow him/her to file the application with a Belgian diplomatic post in his/her country of origin; and in principle be in possession of an ID document. There are no eligibility criteria stipulated in the legislation. The authorities have discretionary power. The residence permit issued after a positive decision is in practice often a temporary residence permit. In this case a person can only work (with a work permit C) if the Immigration Office adds a condition in its decision that the person needs to work to be able to renew its residence right. Otherwise the person cannot work. c) A residence permit on the basis of medical reasons (article 9ter of the Immigration Act). The procedure allows a foreign national to request an authorization to stay in Belgium for serious medical reasons, - under specific conditions. He/she needs to: prove that he/she suffers from an illness/medical condition which poses a real risk for his/her life or physical integrity or a real risk to inhuman or demeaning treatment; prove that there is no adequate/ accessible treatment available in his/her country of origin; in principle provide evidence of identity. There are no legally set processing times for the procedure. The residence permit issued after a positive decision is a temporary residence permit, to be renewed every year for 5 years. During this period the person can work with a work permit (C-type). Afterwards an unlimited permit will be issued (no work permit needed to work). (During the procedure, initially, the application for medical stay does not entitle the applicant to any (temporary) residency right. As soon as the authorities decide on the admissibility of the application, the applicant receives a temporary residency right to cover his stay during the procedure. As from that moment, the applicant is entitled to social welfare assistance. If the applicant files an appeal against a negative the decision, the appeal does not have a suspensive effect. As a consequence, the foreign national is only entitled to urgent medical assistance during the appeal process.)

**3.** As, said humanitarian protection status as such does not exist. Concerning the other procedures mentioned under (1), in 2016: a) 277 persons received a long-term humanitarian visa. The main nationalities were Syria (82), Somalia (41), Afghanistan (20), Iraq (33), Burundi (5) b) 931 persons



			<p>received a residence permit on the basis of humanitarian reasons. The main nationalities were DR Congo (205), Morocco (115), Russia (74), Guinea (62) and Armenia (61). c) 274 persons received a residence permit on the basis of medical reasons. The main nationalities were DR Congo (29), Armenia (28), Russia (26) and Morocco (23). Source: Myria, Federal Migration Centre: Migration in rights and numbers 2017 (annual report), June 2017, available in French and Dutch on <a href="http://www.myria.be/fr/publications/la-migration-en-chiffres-et-en-droits-2017">http://www.myria.be/fr/publications/la-migration-en-chiffres-et-en-droits-2017</a></p>
	Croatia	Yes	<p><b>1.</b> Croatian national legislation does not provide for a specific humanitarian protection status. According to the Act of International and Temporary Protection person could apply for an international protection which can result in the person be granted refugee status, subsidiary protection or temporary protection.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>
	Czech Republic	Yes	<p><b>1.</b> Yes (Asylum Act, Art. 14)</p> <p><b>2.</b> a) • A foreign national does not meet the criteria for granting asylum • The conditions of a case of special consideration are met for a humanitarian reason The provision is very vague on purpose in order to cover various situations. b) It is an integral part of the procedure on international protection – first, the determining authority checks whether the conditions for asylum are met, if not then the authority checks whether they are family members who were granted asylum in order to grant the “family reunifications asylum” and thirdly the authority checks whether there are any humanitarian reasons the person claims. If yes, the humanitarian protection is granted. If not, the subsidiary protection reasons are checked. c) The humanitarian protection is granted in the form of asylum so the rights are the same as for „normal“ asylum. d) The duration is unlimited if conditions las .Usually humanitarian protection is granted to seriously ill or handicapped persons, so actually the conditions cannot easily change. The duration of the permit is 10 years but the status itself is valid until it is not withdrawn.</p>

			3. 2016 – 5 I.Q 2017 – 1
	Estonia	Yes	<p><b>1.</b> No, Estonian legislation foresees only the possibility to grant refugee status, subsidiary protection or temporary protection (if the situation should occur). There is no humanitarian protection as such. However, according to the Aliens Act it is possible in exceptional circumstances to grant a TCN a temporary residence permit for permanently settling in Estonia if the TCN is staying in Estonia and in the course of the proceedings concerning the entry of the TCN into Estonia, his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia it has become evident that it would be clearly unduly burdensome to him or her, the TCN lacks the possibility of getting the residence permit in Estonia on another basis and the TCN does not constitute a threat to public order and national security.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>
	Finland	Yes	<p><b>1.</b> b) No. Finland used to have a residence permit category called humanitarian protection, but it was removed from the Finnish legislation on 16 May 2016. NB: Because humanitarian protection is a non-EU harmonised protection status, it is difficult to know what different Member States mean when they speak of humanitarian protection. In Finland question was of a protection status similar to subsidiary protection, and humanitarian protection was seen to have become obsolete because of its similarity to subsidiary protection.</p> <p><b>2.</b> -</p> <p><b>3.</b> In the beginning of the year 2016, humanitarian protection was granted to 50 asylum seekers before this category was removed from the Finnish legislation in May 2016.</p>
	France	Yes	<p><b>1.</b> In France, there is not a legal status dedicated to humanitarian protection as such. There are 2 types of international protection: refugee status and subsidiary protection, in accordance with the related Directive. They can be granted to both applicants who arrived in France by their own means and</p>


applicants who benefitted from resettlement, humanitarian admissions or long term visas granted for the purpose of applying for asylum. In addition, France also grants stateless person status. It is important to distinguish between the concepts of "humanitarian protection" and the protection of vulnerable persons. The procedure for granting residence permits for health reasons falls within the scope of the protection of vulnerable persons and has its own specific characteristics. Moreover, this system differs from the "vulnerability assessment" of asylum seekers which aims to "determine particular reception needs" as provided for in Article L. 744-6 of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA). According to the second paragraph of Article L. 744-6, the "vulnerability assessment" aims to identify - in particular - persons suffering from serious illnesses". Article L. 313-11-11 of the CESEDA provides that, unless its stay constitutes a threat to public security, a residence card for family reasons is automatically granted to a TCN if he or she meets the conditions laid down in the article (see below).





**2. Residence permit on the ground of health reason:** Article L. 313-11, 11° of the CESEDA, as amended by the law n° 2016-274 of 7 March 2016 provides that a temporary residence permit is issued to a TCN if: - His state of health requires medical care and the lack of care could have consequences of an exceptional gravity; - Regarding the supply of health care and the characteristics of the health care system in the country of origin, the TCN would not be able to receive effective treatment. The group of doctors appointed for each case shall specify: - Whether the medical condition of the TCN requires medical treatment - Whether the lack of such care may or may not result in exceptional serious consequences for his health; - Whether, regarding the characteristics of the health system in the origin country, he may or may not benefit from effective treatment - The duration of the process. Paragraph 3 of Article L. 313-18 of the CESEDA provides that a residence card is granted for the duration of the care. Regarding the renewal of the residence card, the ill TCN may also benefit from a residence card during the planned care duration, for a period up to 4 years. The decision to issue the residence permit is taken by the competent authority (the prefect) after obtaining the opinion of a group of doctors from the medical service of the French Office for Immigration and Integration (OFII). This opinion procedure is mandatory. However, this opinion does not bind the prefect. The Prefect take a decision on the residence permit taking into account all the elements of the case.

**3. See information in the attached file**


	Germany	No	
	Hungary	Yes	<p><b>1.</b> Yes, it is called temporary protection in Hungary. Hungary does not use this status anymore, although it still exists in the legislation.</p> <p><b>2.</b> a) Section 19-20 of Act LXXX of 2007 on Asylum states that Hungary shall grant temporary protection to a foreigner who belongs to a group of displaced persons arriving in the territory of Hungary en masse which was recognised by the Council of the European Union as eligible for temporary protection under the procedure determined in Directive 2001/55/EC, or by the Government as eligible for temporary protection as the persons belonging to the group had been forced to leave their country due to an armed conflict, civil war or ethnic clashes or the general, systematic or gross violation of human rights, in particular, torture, cruel, inhuman or degrading treatment. Family members of persons granted temporary protection can apply for the same status on the purpose of maintaining family unity. b) The determination procedure is the same as the procedure for determining the eligibility for international protection. c) A beneficiary of temporary protection shall be entitled to a document verifying his/her identity; a travel document, as determined in separate legal rule, authorising a single exit and return, if s/he has no valid travel document from his/her country of origin; provisions, benefits and accommodation under the conditions determined in the present Act and in separate legal rule; employment according to general rules applicable to foreigners. A temporarily protected person is obliged to report his/her place of accommodation and any change therein to the refugee authority; cooperate with the refugee authority; subject him/herself to health tests, medical treatment prescribed as mandatory by law and/or required by the health authority and to subject him/herself to the replacement of any missing vaccinations prescribed as mandatory by law and/or required by the health authority in the case of the danger of disease; respect the laws and regulations of Hungary; report the loss, theft or destruction of her/his travel documents, identity card or the document certifying the legality of stay in Hungary immediately to the refugee authority. d) The term of temporary protection based on the procedure determined in Directive 2001/55/EC is 1 year. f the Council of the European Union decides on the maintenance of the recognition of eligibility for temporary protection following the expiry of the 1 year term, the term of temporary protection shall be extended by the term set forth in the decision of the Council. Temporary protection based on the decision of the Government shall exist until the expiry of the term or the occurrence of the fact stated</p>





			<p>in the normative decision of the Government. Should the Government decide on the maintenance of the recognition of eligibility for temporary protection following the expiry of the term or the occurrence of the fact, the term of temporary protection shall be extended by the term set forth in the normative decision of the Government.</p> <p><b>3.</b> Hungary does not use this status anymore, although it still exists in the legislation. The last application of temporary protection was during the Yugoslav Wars.</p>
	Italy	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> a) Humanitarian protection can be granted to migrants - who do not have the extremes for international protection recognition - in case of "serious reasons" of a humanitarian nature such as: • health or age reasons; • situations of serious political instability in the Country of Origin; • episodes of violence or inadequate respect of human rights in the Country of Origin; • famine or environmental/natural disasters in the Country of Origin. Furthermore, the humanitarian protection can be granted hereafter direct request of migrants too. b) The residence permit for humanitarian reasons is issued by the Chief of Provincial branches of the Police, following the recommendation of the reference Territorial Commission, in case of denial of international protection, recognition of the above-mentioned "serious humanitarian reasons" or direct request of the asylum seeker. Aside the above-mentioned issues, the claimant is to be provided with a permission to stay for the duration of six months, renewable up to the decision on the application and, in case of jurisdictional appeal, as long as the claimant is authorized to remain in the country; in case the person can remain, the claimant is provided with a specific certificate to certify his status. Until the permission to stay is issued, the receipt showing the submission of a claim for humanitarian protection shall constitute a temporary permission to stay. c) The residency permit for humanitarian reasons grants to beneficiaries: • access to education and work, • possibility of conversion into residence permit for work reasons if the requirements are met; • right to the same treatment recognized for Italian citizens with regard to social and health assistance and access to public housing; • access to municipal reception centers; • right to family reunion in the presence of the requisites of housing and income set forth in Legislative Decree n. 286/1998 and maintenance of the family nucleus. d) The residence permit for humanitarian reasons is appointed for two years, and may be renewed or converted into residence permit for work reasons.</p>

			<p><b>3.</b> In 2016, the number of issued residence permits for humanitarian reasons was 18.979. In the first trimester 2017, 1.633 permits for humanitarian reasons have been released.</p>
	Latvia	Yes	<p><b>1.</b> No, national legislation does not provide for a specific humanitarian protection status. According to the Asylum Law person who needs an international protection can be granted refugee status, alternative status (subsidiary form of protection) or temporary protection.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>
	Lithuania	Yes	<p><b>1.</b> No. Lithuania has three harmonized protection statuses. Refugee status, subsidiary protection status and temporary protection status. There is no specific humanitarian protection status.</p> <p><b>2.</b> N/a</p> <p><b>3.</b> N/a</p>
	Luxembourg	Yes	<p><b>1.</b> No. In Luxembourg there is no regulation that foresees the humanitarian protection. The only forms of protections that are granted according to the Law of 18 December 2015 are international protection (refugee and subsidiary protection) and temporary protection.</p> <p><b>2.</b> N/A.</p> <p><b>3.</b> N/A.</p>
	Malta	Yes	<p><b>1.</b> No. The possibility to issue humanitarian protection, which in Malta is referred to as Temporary Humanitarian Protection (THP), does not emanate from national legislation but from an administrative procedure.</p> <p><b>2.</b> No. The possibility to issue humanitarian protection, which in Malta is referred to as Temporary</p>


			<p>Humanitarian Protection (THP), does not emanate from national legislation but from an administrative procedure.</p> <p><b>3.</b> THP is granted at the discretion of the Refugee Commissioner to rejected asylum seekers who due to their particular circumstances require humanitarian protection. THP can be granted in one of the following cases: (a) Medical grounds – when a failed asylum seeker is terminally ill or suffers from a severe or life-threatening medical condition that cannot be treated in the applicant’s country of origin or in a safe third country, or in the country of habitual residence for persons who are recognized as being stateless. THP on medical grounds could also be granted in cases of a severe or life-threatening medical condition where the treatment in the country of origin, safe third country, or in the country of habitual residence for persons who are recognized as being stateless, while available is deemed as being non-adequate or accessible; (b) Unaccompanied minors whose application for international protection has been rejected (THP would only be valid till the unaccompanied minor reaches the legal adult age in Malta (i.e. till he or she is 18 years old); and (c) Other humanitarian grounds (e.g. elderly persons or Persons suffering from a serious disability that significantly affects their ability to conduct a normal life THP is granted for a period of one year and renewable on a yearly basis, subject to the beneficiary fulfilling the necessary eligibility criteria. According to the Administrative Procedure from which this local form of protection emanates, a person who is granted THP shall: a) Without prejudice to any relevant legislation, be allowed to remain in Malta with freedom of movement and be granted personal documents, including a residence permit for a period of one year, which shall be renewable; b) Be provided with documents enabling him to travel, especially when serious humanitarian reasons arise that require his presence in another State, unless compelling reasons of national security or public order otherwise require; and c) Have access to employment, subject to labour market considerations, as well as the provision of accommodation, services and benefits by the Agency for the Welfare of Asylum Seekers, in line with applicable administrative procedures regulating the Agency.</p> <p><b>4.</b> THP is granted at the discretion of the Refugee Commissioner to rejected asylum seekers who due to their particular circumstances require humanitarian protection. THP can be granted in one of the following cases: (a) Medical grounds – when a failed asylum seeker is terminally ill or suffers from a severe or life-threatening medical condition that cannot be treated in the applicant’s country of origin or in a safe third country, or in the country of habitual residence for persons who are recognized as being stateless. THP on medical grounds could also be granted in cases of a severe or life-threatening</p>
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			<p>medical condition where the treatment in the country of origin, safe third country, or in the country of habitual residence for persons who are recognized as being stateless, while available is deemed as being non-adequate or accessible; (b) Unaccompanied minors whose application for international protection has been rejected (THP would only be valid till the unaccompanied minor reaches the legal adult age in Malta (i.e. till he or she is 18 years old); and (c) Other humanitarian grounds (e.g. elderly persons or Persons suffering from a serious disability that significantly affects their ability to conduct a normal life THP is granted for a period of one year and renewable on a yearly basis, subject to the beneficiary fulfilling the necessary eligibility criteria. According to the Administrative Procedure from which this local form of protection emanates, a person who is granted THP shall: a) Without prejudice to any relevant legislation, be allowed to remain in Malta with freedom of movement and be granted personal documents, including a residence permit for a period of one year, which shall be renewable; b) Be provided with documents enabling him to travel, especially when serious humanitarian reasons arise that require his presence in another State, unless compelling reasons of national security or public order otherwise require; and c) Have access to employment, subject to labour market considerations, as well as the provision of accommodation, services and benefits by the Agency for the Welfare of Asylum Seekers, in line with applicable administrative procedures regulating the Agency.</p> <p><b>5.</b> Kindly see document ‘EMN Query 2017.1197 Annex I - THP statistics’</p> <p><b>6.</b> Kindly see document ‘EMN Query 2017.1197 Annex I - THP statistics’</p>
	Netherlands	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> A) According to article 3.4 Aliens Regulation it is possible to get a residence permit on humanitarian reasons, for temporary humanitarian purposes (article 3.4, 1, under q Aliens Regulation) and for non-temporary humanitarian purposes (article 3.4, 1 under r Aliens Regulation). In addition a residence permit on other grounds than described in article 3.4 1 can be granted, e.g. in case of compelling reasons of humanitarian nature (article 3.4, 2 Aliens Regulation). The criteria for eligibility and the conditions which need to be met are further elaborated in paragraph B8 (temporary humanitarian purposes) and B9 (non- temporary humanitarian purposes) of the Aliens Implementation Guidelines. In many cases the non-temporary residence permit will be granted after a period in possession of a residence permit humanitarian temporary if the relevant conditions are still met.</p>


			<p>Humanitarian purposes of stay include, undergoing medical treatment, being a victim or witness of human trafficking case, (possible) honor related or domestic violence, people who cannot leave through no fault of their own, children under child protection measures people who want to conduct your private life in the Netherlands on grounds of article 8 of the ECHR; and other compelling reasons of humanitarian nature. The criteria for granting a residence permit on compelling reasons of humanitarian nature (under than described under paragraph B8 and B9 Aliens Implementation Guidelines) are not further elaborated in policy since this concerns an exceptional situation in which the special and individual circumstances of the case lead to the conclusion that a residence in the Netherlands must be granted. It is important to notice that above mentioned information/residence permit are additional to the international protection (asylum) which can be granted based on the Geneva Convention and Article 3 ECHR. Also additional to the right to family reunification for holders of an asylum residence permit. B) There are specific procedures for applying for a residence permit on humanitarian grounds. Please see for detailed information about these procedures: <a href="https://ind.nl/en/pages/forms-and-brochures.aspx">https://ind.nl/en/pages/forms-and-brochures.aspx</a> In addition a residence permit on humanitarian grounds can in specific cases also be granted ex officio if during the examination of an application for a residence permit/asylum the IND finds out that the foreigner finds himself in a situation of disproportionate hardship. For example, because you are an unaccompanied minor, you do not have an asylum residence permit. And you are unable to return to your country of origin. See also: <a href="https://ind.nl/en/other/Pages/Other-reasons.aspx">https://ind.nl/en/other/Pages/Other-reasons.aspx</a> C) and D) -The residence permit granted on temporary humanitarian grounds is valid for 1 year. The holder is in some cases allowed to work without further requirements; in other cases (e.g. medical treatment) this is not permitted. It depends on the reasons for granting the residence permit. -The residence permit granted on non-temporary humanitarian grounds is valid for 5 year. Then holder is allowed to work without further requirements. The holder of a residence permit is also entitled to social benefits. There may be differences depending on the purpose of the stay and the duration of the residence permit that is granted.</p> <p><b>3.</b> Please see the supporting documents, extracted from Eurostat.</p>
	Slovak Republic	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> a) Slovak legislation provides for the possibility to grant asylum on humanitarian grounds. This</p>

			<p>provision is based solely on the national legislation. According to the national legislation, “the Ministry may grant”. There is no legal entitlement to asylum on humanitarian grounds and it is solely on the consideration of the state who will be granted this asylum. It is a matter of administrative discretion whether to grant or not grant asylum and result of this decision cannot be reviewed by the court. Requirements for granting asylum on humanitarian grounds in the Slovak Republic are not defined by law. However, according to an internal regulation, asylum on humanitarian grounds may be granted to rejected asylum seekers especially to elderly, traumatized or seriously ill whose return to the country of origin might pose a considerable physical or psychological suffering, or even death. However, the term “especially” means that the asylum on humanitarian grounds may be also granted to other persons. E.g. Migration Office also granted asylum on humanitarian grounds to unaccompanied minors. b) The procedure is the same as the general procedure on granting international protection. If the applicant does not meet the conditions for granting asylum according to the Geneva Convention and the person is then granted asylum on humanitarian grounds, it is not necessary to assess the reasons why this person was not granted asylum according to the Geneva Convention. Review of reasons for granting asylum according to the Geneva Convention, subsidiary protection and asylum on humanitarian grounds is in the Slovak Republic assessed within one joint procedure and the result is one final decision. c) Person granted asylum on humanitarian grounds has the same rights and obligations as persons granted asylum according to the Geneva Convention. d) Asylum on humanitarian grounds is granted for an indefinite period of time.</p> <p><b>3.</b> Granted asylum on humanitarian grounds: 2016: 159 2017 (till 14 June): 15</p>
	Slovenia	Yes	<p><b>1.</b> No.</p> <p><b>2.</b> /</p> <p><b>3.</b> /</p>
	Sweden	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> A temporary law became applicable from 20 July 2016. This law has a duration of three years. The</p>

		<p>law includes restrictions for granting permission on humanitarian grounds. Only if a decision would constitute a breach of international conventions will it be possible to grant permission on humanitarian grounds. Due to long processing times for asylum applications at the Swedish Migration Agency this new criteria in assessing humanitarian grounds have not yet become visible in the statistics below. The Swedish ordinary Aliens Act states that if a residence permit cannot be granted on other grounds, a permit may be granted if on an overall assessment of the alien's situation there are such exceptionally distressing circumstances that he or she should be allowed to stay in Sweden. In making this assessment, particular attention shall be taken to the alien's state of health, his or her adaptation to Sweden and his or her situation in the country of origin. Children may be granted residence permits even if the circumstances do not amounts to the same seriousness and weight that is required for adults. a) See the text above. b) If there are humanitarian grounds in a case should this often be assessed together with an asylum claim. This is often called one stop shop procedure. The assessment of different grounds in an asylum case is done in a special order. You start with assessing if the asylum seeker should be granted a residence permit on protection grounds. If not so, you continue with assessing possible grounds for working in Sweden or of ties to Sweden (marriages to persons with Swedish citizenship/residence permits In Sweden, family reunification etc.) If there are no such grounds for residence permit, you finely asses if there are any humanitarian grounds in the case, and if so, if the humanitarian grounds meets the criteria for receiving a residence permit. In Sweden we have a three instance procedure. First instance Is the Swedish Migration Agency, the second, migration courts (4 administrative courts) and finally a third instance, the Migration Court of Appeal. You need to have a leave to appeal for taking a case to the Migration Court of Appeal. c) The same effect and rights as other grounds for residence permit in Sweden. As claims nearly always are submitted in connection with asylum applications, the same rights and obligations applies during the procedure as in asylum cases. Permits granted on protection ground could in some cases be more favourable when it comes to rights to Swedish pension compared to permits granted on sheer humanitarian grounds. d) Permanent residence permit according to the ordinary law. Residence permit for 13 months according to the temporary law for the first application and then for a period of 2 year. In exceptional cases a child can also receive permanent residence permit according to the temporary law. The overall assessment of the child's situation must then be such that particularly distressing circumstances related to a permanently reduced health condition of the child makes it absolute necessary that he or she must be granted a permanent residence permit.</p>
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			<p><b>3.</b> Humanitarian status; settled cases 2016 Country No Afghanistan 971 Azerbaijan 59 Eritrea 11 Ethiopia 18 Iraq 157 Iran 28 Yemen 35 Lebanon 38 Libya 3 Nigeria 4 Unknown citizenship 17 Pakistan 2 Russia 40 Somalia 56 The state of Palestine 215 Stateless 142 Sudan 10 Syria 5 Uganda 1 Ukraine 21 Uzbekistan 8 Other 16 Total 477 17 913 asylum applicants was granted permission to stay in Sweden. 3 percent of these received humanitarian status. Humanitarian status; settled cases first trimester 2017 Country No Afghanistan 232 Armenia 11 Azerbaijan 3 Egypt 7 Ethiopia 4 Iraq 14 Lebanon 14 Morocco 1 Nigeria 1 Unknown citizenship 15 Russia 5 Somalia 5 The state of Palestine 11 Stateless 8 Syria 2 Other 18 Total 349 2 997 asylum applicants was granted permission to stay in Sweden. 12 percent of these received humanitarian status. The high number compared with 2016 has to do with more settled cases regarding unaccompanied children.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p><b>1.</b> Yes. The Immigration Rules and the UK policy on Humanitarian Protection(HP) reflect the subsidiary protection provisions in Articles 15 to 19 of the Qualification Directive (2004/83/EC). See asylum policy instruction on Humanitarian Protection - <a href="https://www.gov.uk/government/publications/humanitarian-protection-instruction">https://www.gov.uk/government/publications/humanitarian-protection-instruction</a></p> <p><b>2.</b> a) HP is designed to provide international protection where it is needed, to individuals who do not qualify for protection under the Refugee Convention but they are nevertheless at risk of serious harm on return to their country of origin. HP can only be granted if the individual does not fall to be recognised as a refugee but requires protection nonetheless. b) Eligibility for HP is considered as part of the asylum process once a person has been found not to qualify for protection under the Refugee Convention. As such, the broad principles that apply to considering asylum claims apply equally to considering whether or not a person qualifies for HP . When someone with limited leave on HP grounds applies to extend that leave a safe return review will be carried out and where they no longer need protection they will not qualify for further HP leave or settlement protection and will need to apply to stay on another basis or leave the UK. All those granted HP may also have their case reviewed in light of any criminality and such leave may be revoked if they are no longer entitled to protection. c) A grant of HP confers broadly the same rights as those granted refugee status. This will normally include the following period of leave and associated benefits: -an initial period of 5 years' limited leave -immediate and unrestricted access to the labour market, and recourse to public funds -a 5 year route to settlement for those who continue to need protection -no requirement to demonstrate a</p>



			<p>knowledge of language and life in the UK when applying for settlement d) See above</p> <p><b>3.</b> In 2016, 7,136 people were granted asylum and 189 were granted humanitarian protection(UK equivalent of subsidiary protection). In the first quarter of 2017 1,825 people were granted asylum and 17 people were granted humanitarian protection. Please see the attached document for the data tables. Please see the link below for nationality breakdowns:  <a href="https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/how-many-people-do-we-grant-asylum-or-protection-to">https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2017/how-many-people-do-we-grant-asylum-or-protection-to</a> For more information on Humanitarian Protection, please see the policy guidance: <a href="https://www.gov.uk/government/publications/humanitarian-protection-instruction">https://www.gov.uk/government/publications/humanitarian-protection-instruction</a></p>
	Norway	Yes	<p><b>1.</b> Yes: The relevant Norwegian legislation does include the possibility for granting a residence permit on humanitarian grounds to someone whose application for protection has been rejected. See e.g. <a href="https://www.udi.no/en/word-definitions/residence-permit-on-humanitarian-grounds/">https://www.udi.no/en/word-definitions/residence-permit-on-humanitarian-grounds/</a> and § 38 in <a href="https://www.udiregelverk.no/PageFiles/1720/Immigration%20act%20-%20updated%20as%20of%201%20april%202014%20.pdf">https://www.udiregelverk.no/PageFiles/1720/Immigration%20act%20-%20updated%20as%20of%201%20april%202014%20.pdf</a>. The short deadline for replying does mean, however, that we cannot provide a reply to questions 2 and 3.</p> <p><b>2.</b> See answer to question 1.</p> <p><b>3.</b> See answer to question 1.</p>