



Residence permits for third-country nationals in the context of asylum

The information presented in this fact sheet is extracted from the [EASO Asylum Report 2021](#).
Direct link to the section: <https://euaa.europa.eu/41423-residence-permits>

Beneficiaries of international protection in an EU+ country are generally issued a residence permit with the right to remain in the country. But legislation and practices can vary across countries, for example with regard to the duration of a residence permit. At the same time, beneficiaries can face delays in receiving a residence permit, for example because often their identity documents are lost while fleeing their country of origin.

During the COVID-19 pandemic, several countries automatically extended the validity of residence permits for third-country nationals in general and for beneficiaries of international protection, for example France,¹ Poland² and Portugal.³



Key developments extracted from the EASO Asylum Report 2021

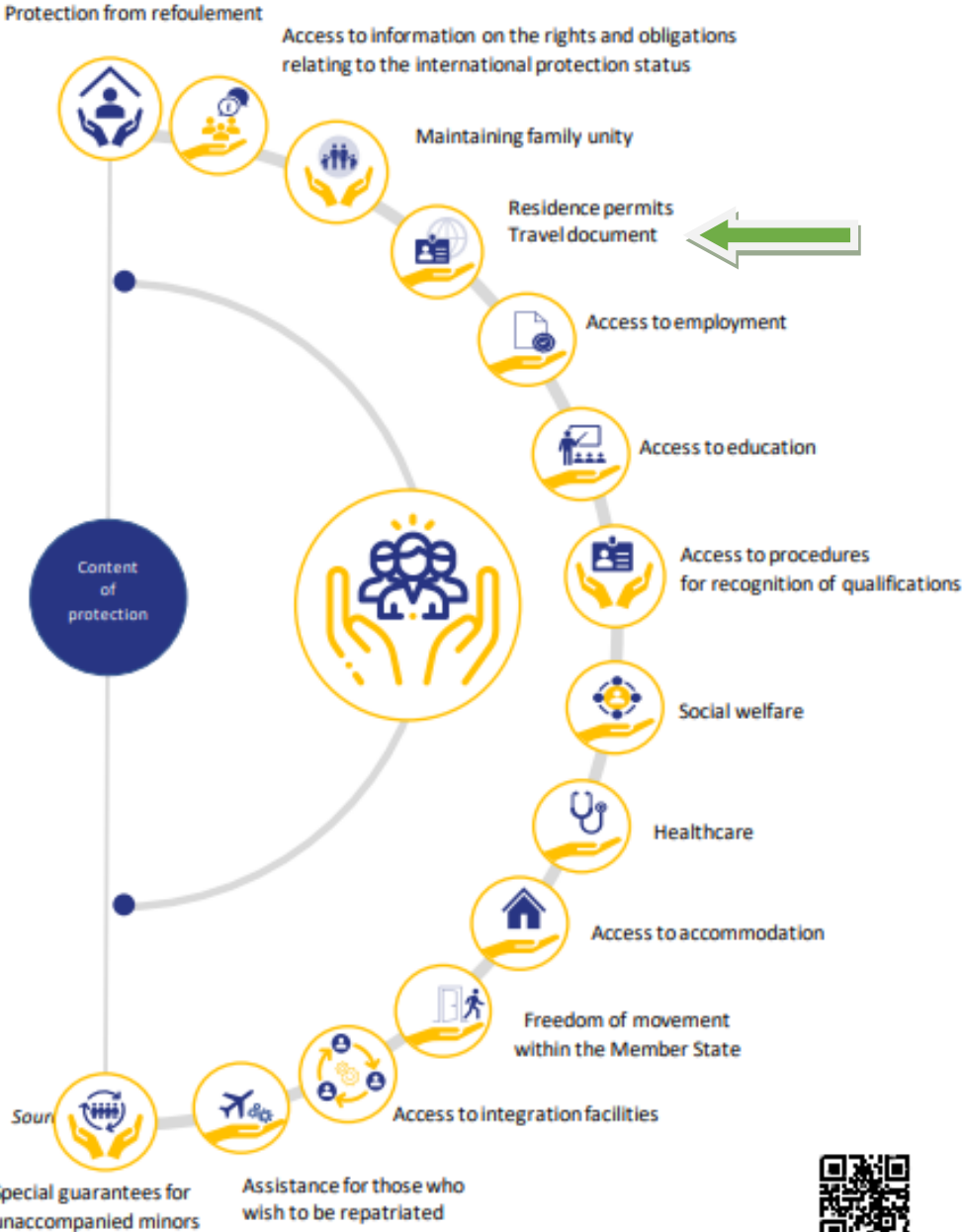
- At the peak of the COVID-19 pandemic, national authorities needed to find solutions to extend residence permits which expired during office closures and lockdowns. Nonetheless, this often led to legal uncertainty and delays in accessing other rights (without a valid permit), such as housing, employment and health care.
- During the COVID-19 pandemic, the Maltese International Protection Agency dealt with the extension of permits through e-mail.⁴ Civil society organisations noted that they remained responsive and informed other authorities about the different entitlements to clarify any doubts about the validity of extensions.⁵ However, this system seemed to have remained challenging for beneficiaries who do not speak English or do not have access to the Internet.⁶
- Finland amended its Act on the Promotion of Immigrant Integration which now entitles unaccompanied minors who have a residence permit to receive after-care until the age of 25 instead of 21. The act was amended in line with the equivalent age limit in child welfare after-care which was raised to 25 years on 1 January 2020.⁷

- Developments were underway in Sweden and Norway to shift towards shorter, more temporary first permits and increasing criteria for obtaining long-term residence permits. The Swedish Cross-Party Committee of Inquiry on Migration submitted its report on a sustainable long-term migration policy, proposing several changes to the Aliens Act. This would include, for example, that beneficiaries of international protection would first get a temporary residence permit.⁸ In the meantime, the Swedish Migration Agency published a legal position on the examination of the right to a permanent residence permit under the Temporary Act for beneficiaries of international protection who are able to financially maintain themselves⁹ and another legal position on the conditions and processes for granting a longer residence permit for persons who were given a temporary residence for upper secondary studies after having applied for asylum or whose removal decision could not be enforced because of an impediment.¹⁰ The latter is especially important for unaccompanied minors close to the age of majority and the agency confirmed that their residence permit may be extended if they find full-time employment within 6 months after completing their studies. Civil society organisations noted how difficult this may be, especially due to the pandemic.¹¹
- Planned changes to Sweden's migration legislation would systemise the changes introduced by the law on temporary limitations on the possibility of obtaining a residence permit and would limit family reunification to core family members only. However, the draft law extends family reunification to persons who intend to marry or cohabit if their relationship was already established in the country of origin, enabling family reunification for same-sex couples who were unable to formalise their relationship in their home country.¹²
- Persons granted protection in Norway may obtain a long-term residence permit after 5 years, instead of the previous 3 years, following legislative amendments that entered into force in December 2020.¹³ The language knowledge requirement for naturalisation was increased from A2 to B1 level.
- Administrative hurdles and delays persisted, for example in Cyprus and Greece. Civil society organisations in Greece observed significant delays in the issuance of residence permits for beneficiaries of international protection, especially in the area of Athens and Thessaloniki.¹⁴ DRC Greece noted additional delays as many beneficiaries' personal details were incorrectly registered by the asylum authority and they had to first request that the errors were rectified before they could proceed with the residence permit request. The Greek Council for Refugees observed issues when children arrived through the family reunification procedure, but once they turned 21 years, their permits were no longer renewed.¹⁵ Similar challenges persisted in Cyprus, where family members of beneficiaries of international protection could still not obtain a residence permit and, thus, had no access to rights.¹⁶
- DRC Greece observed major issues in access to health care because beneficiaries need a residence permit to request a new health care number within 30 days of a positive decision. However, residence permits were delivered with significant delays, often after several months. Access to health care is dependent on obtaining a residence permit in Cyprus as well, which causes significant delays in accessing health care.¹⁷



Content of protection

Based on the recast Qualification Directive, the content of protection in Europe includes



- The Spanish Supreme Court [ruled](#) that refugees who are resettled in Spain through a government-approved programme, in cooperation with UNHCR, automatically become beneficiaries of refugee status (and not beneficiaries of subsidiary protection) and must be granted a residence permit.
- In Spain, a public consultation was prepared in 2020 and launched in 2021 when drafting a new legislation to finetune the documentation system so unaccompanied minors do not remain undocumented once they reach the age of majority.¹⁸ Several Spanish CSOs made recommendations for amendments to the legislation, especially with regard to identification, documentation, and the renewal of residence and work permits.¹⁹
- In March 2002, the Netherlands amended the rules for unaccompanied minors who cannot return to their home country through no fault of their own. The change aimed to clarify the situation and prevent repeated applications. Unaccompanied minors may be eligible for the 'no-fault' residence permit if it is shown that a return to the country of origin was impossible within a maximum timeframe of 3 years. The Aliens Circular was amended accordingly to start following the first asylum application.²⁰
- After the Refugee Appeals Board in Denmark concluded that the situation in Rif Damascus was no longer a risk solely due to mere presence in the area,²¹ the Danish Immigration Service and the Board must make an individual and concrete assessment of an applicant's need for protection, as well as an assessment on whether a withdrawal or refusal of the renewal of the residence permit will be contrary to Denmark's international obligations.
- The Danish Refugee Council observed that the public focus on the temporary nature of the permits and status withdrawals led to a high level of anxiety among beneficiaries of international protection in the country.²² In spring 2020, the Refugee Appeals Board upheld the Immigration Service's decision to revoke protection status for Syrians from Damascus in three cases.²³ Based on these decisions, in the summer of 2020 the Minister for Immigration and Integration decided that the review of cases concerning persons from Damascus with a temporary residence permit granted on the grounds of general circumstances should be accelerated.²⁴
- The Danish Immigration Service, the Refugee Appeals Board and the Immigration Appeals Board have been jointly preparing a memorandum on the protection of foreigners' private and family life under the ECHR and the UN convention on human rights²⁵ in connection with the amendments to the Danish Aliens Act introduced in 2019 on the revocation of refugees' and their family members' residence permits.²⁶ The memorandum had not yet been finalised in April 2021. UNHCR provided recommendations for Denmark to strengthen its refugee protection, for example, by refraining from the mandatory review of protection statuses, aligning the length of residence permits for different protection statuses, granting refugees residence permits for a longer period of at least 5 years, and removing legal and practical obstacles to family reunification.²⁷

- The Hungarian Helsinki Foundation raised concern about asylum legislation in Hungary, which in practice meant that applicants for international protection who already possess a residence permit, visa or arrived from a visa-free country are considered to have sufficient subsistence means and were not offered reception.²⁸
- Latvia, Lithuania and Poland enforced and facilitated policies to provide protection for applicants from Belarus. For example, Latvia granted a D-type/long-stay national visa for Belarusians which allowed them to access the territory of the country with the purpose of receiving medical support, requesting a residence permit or applying for international protection.
- In Sweden, some third-country nationals who are not beneficiaries of international protection (particularly unaccompanied minors) can be granted a residence permit for the purpose of secondary-level studies. In 2020, the Swedish Supreme Administrative Court [delivered](#) a judgment that clarified that this group of residents continued to have the right to reception under the Law on Reception of Asylum Seekers and Others.

To search for more developments by topic, country or year, consult the [EUAA National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EUAA Case Law Database](#).

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Please see the [Bibliography for the EASO Asylum Report 2021](#) for the full list of over 1,000 references.

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