



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

The information presented in this fact sheet is extracted from the [Asylum Report 2023](#) and covers developments in 2022 and early 2023. Direct link to the section: <https://euaa.europa.eu/asylum-report-2023/41423-residence-permits-and-travel-documents>

The recast [Qualification Directive](#) outlines the content of international protection to harmonise what a recognised beneficiary of international protection can expect under national policies. Its provisions shape the integration of beneficiaries of international protection through standards on residence permits, employment, education, social welfare and health care.

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.

Refugees are entitled to travel documents as foreseen in the [Geneva Convention](#), while beneficiaries of subsidiary protection may receive the national passport of their host country, under specific conditions. Obtaining documentation is often an administrative criterion for accessing other permits and rights for beneficiaries of international condition.





Key developments in 2022

The increase in asylum applications in 2022 often impacted and caused delays in delivering residence and travel documents to beneficiaries of international protection. This risked delaying their access to other services and rights.

In addition, prioritising the issuance of permits to beneficiaries of temporary protection resulted in delays in issuing residence permits for beneficiaries of international protection in some countries.¹

1. Developments in EU+ countries

Legislation

- An amendment to the Asylum Act was enacted in 2022 in Portugal providing asylum applicants with rights to the labour market. The issuance and renewal of provisional residence permits by SEF, which clearly state the right to employment, are free of charge.²
- In Germany, the draft of the Second Law for the Introduction of a Right of Opportunity to Stay was presented and debated in the parliament. Among other objectives, the law would end the accumulation of tolerated stay periods (*Kettenduldung*), which would no longer be counted towards residence rights.³
- The Finnish Aliens Act was amended, and as of 1 February 2023, minors who have received international protection became exempted from the requirement of having sufficient financial resources for family reunification. Family members can now be granted a residence permit, even when the minor sponsor does not fulfil this requirement,⁴ as recommended by UNHCR and civil society organisations in 2021⁵ and the Finnish Human Rights Centre in June 2022.⁶
- In Denmark, amendments were adopted to the criteria to acquire permanent residence. The person should not be convicted of ‘negative social control’ (for example, sending a child abroad for religious re-education) and could be barred from being granted a permanent residence permit for a minimum of 6 years depending on the type and length of the sentence. Similar changes were introduced as criteria for family reunification.⁷
- A new presidential decree in Italy confirmed that the authorities need to examine on a case-by-case basis the conversion of an unaccompanied children’s residence permit when the person reaches adulthood. The decree also determined that residence permits based on integration can be issued until the age of 21 years.⁸
- In Czechia, legislative amendments were prepared to the Aliens Act, which are expected to come into force in the second half of 2023, following recommendations by the UN Committee on Economic, Social and Cultural Rights in its third periodic report. The committee had expressed concern that, under the Aliens Act, statelessness persons faced difficulties in obtaining permanent residence, and under the Citizenship Act,

children who would otherwise be stateless would only acquire nationality if both parents are stateless and at least one of them has a residence permit (Article 2(2)).⁹





Policy

- With the increased number of asylum applications from third-country nationals who already hold a residence permit on other grounds in Norway, the Ministry of Justice and Public Security issued a new instruction No 15/22, “Assessment of the conditions for asylum in the Immigration Act, Section 28(1) when the applicant already has a residence permit in Norway” on the weight to be given to this situation in the UDI’s overall assessment of an application for international protection. It also clarified that free legal aid in such cases is not freely granted but conditioned by a needs test.¹⁰
- For acquiring long-term residence in Sweden, the government appointed an inquiry commission to assess making language knowledge and knowledge of the Swedish society requirements for permanent residence.¹¹
- Following a [judgment](#) of the Migration Court of Appeal, the Swedish SMA issued a legal position in 2022 on the relevant time to determine the age of an applicant or a sponsor. A person who has reach majority and is sponsoring a parent is considered to be a minor if the application for family reunification was lodged within 3 months from the date that a residence permit was granted and the person was still a minor.¹²
- The Belgian government announced its intention to create a separate right of residence through family reunification of parents of children who are recognised beneficiaries of international protection, but who themselves do not qualify for international protection.¹³
- In Denmark, foreign nationals displaced from Ukraine who did not have the criteria to obtain a temporary residence permit under the Special Act could apply for a residence permit or international protection under the rules and procedures of the Danish Aliens Act.¹⁴

Practice

- With reception systems under pressure in Belgium, some applicants received international protection without having access to accommodation. Without an address, it was difficult to obtain a residence permit (A-card) at the local commune. Without this permit, the status holder can encounter difficulties in obtaining financial aid, opening a bank account and renting a place to live.¹⁵
- In Finland, the delivery of residence permits, aliens’ passports and refugee travel documents was temporarily delayed due to a shortage of staff and a backlog in the processing of aliens’ passports and refugee travel documents.¹⁶
- The Finnish Ministry of the Interior published a report on potential solutions for people who had resided in the country for a long period without having the legal right to residence, including rejected applicants for international protection who could not be returned to their country of origin.¹⁷ The same project investigated the possibility of issuing a residence permit and an alien’s passport to applicants whose lack of a valid travel document is the sole impediment to granting the residence permit. The aim of

these investigations was to identify possibilities to prevent social exclusion and the emergence of a parallel society.

-  In the Netherlands, some cases needed to be re-assessed in 2022, following clarifications about the criteria for qualifying for a special residence permit. A final regulation implemented a children's pardon (*kinderpardon*) that allowed a certain group of rejected minor applicants and their family members to request a residence permit before 25 February 2019.¹⁸ The IND re-assessed approximately 30 files in 2022, following a confirmation from the Minister for Migration that in some cases a permit can be granted, even though an asylum application was not submitted on behalf of the children.¹⁹ The Dutch Council of State provided [guidance](#) on the assessment of these requests in two [cases](#), noting that the authorities can assess the behaviour of the family member when deciding on the application. However, when this element is held against the child, courts have a wider scope for reviewing the cases on appeal.
-  In France, it was reported that beneficiaries of international protection encountered difficulties in obtaining their residence permits due to the implementation of a digital system which presented several shortcomings and issues with accessing prefectures for the issuance of residence permits.²⁰ In June 2022, the Council of State ordered the Ministry of the Interior to establish a solution as an alternative to the solely digitalised procedure.²¹
-  The Irish government suspended the Council of Europe's Agreement on the Abolition of Visas for Refugees for 12 months, in an effort to protect the integrity of the Irish asylum and reception systems. The decision came after an increase in the number of applicants who had already been granted international protection in another EU Member State.²²
-  In Ireland, the deadline for applications for the Afghan Admission Programme was extended to March 2022. It is an immigration programme which offers temporary residence to people at risk who have family members in Ireland, whether resident in Afghanistan or neighbouring countries where they fled since 1 August 2021. A total of 528 applications were received, mainly from minors. The programme no longer accepts applications.

2. Case law related to residence permits and travel documents





Judgments by the CJEU and the ECtHR

- In *SW, BL, BC v Stadt Darmstadt, Stadt Chemnitz* ([Joined Cases C-273/20 and C-355/20](#)), the CJEU clarified that the Family Reunification Directive, Article 13(2) precludes national legislation under which the right of residence of the parents is terminated when the sponsoring child reaches the age of majority.
- The ECtHR [condemned](#) Lithuania for not issuing a travel document to a former beneficiary of subsidiary protection with long-term residence. The national authorities found that the person did not justify why he had been unable to obtain a valid passport from his country of origin. However, the court concluded that the authorities rejected the request for a travel document on formalistic grounds, without examining the particular circumstances of the person.




Judgments by national courts

- The Italian Council of State [clarified](#) that beneficiaries of subsidiary protection and humanitarian (special) protection must be granted travel documents from authorities, without having to prove that they cannot obtain a passport from their country of origin. The council noted that frequently the national authority in the country of origin prevents a beneficiary from acquiring a passport.²³
- In Germany, higher administrative courts found it unreasonable to expect that a passport be obtained from the embassy of the country of origin to acquire a travel document, for example, for beneficiaries of subsidiary protection from [Eritrea](#) and [Syria](#) who refused to do their military service.
- The Romanian High Court of Cassation and Justice [reviewed](#) a decision to refuse long-term residence for a beneficiary of international protection based on a classified note from the Romanian Intelligence Service. The court found that the reasoning of the decision was insufficient, as the decision should include all reasons and elements of evidence that form its basis.
- The Icelandic Immigration Appeals Board [concluded](#) that an applicant with a valid residence permit in Italy on grounds not related to international protection should be transferred under the Dublin III Regulation. Better living conditions in Iceland than in Italy did not justify cancelling the transfer.
- The Swedish Supreme Administrative Court [concluded](#) that persons were not covered by the Law on Reception of Asylum Seekers and Others if they already had a residence permit (for example, for studies) and then applied for international protection.
- The Tribunal of Rome [ordered](#) the Italian Post to immediately activate the pre-paid card of an applicant who received her COVID-19 financial support on the card, but the bank refused to activate the card as it did not recognise her residence permit based on her application for international protection as an identity document. The tribunal underlined

that the purpose of this payment was to guarantee the needs of those most affected by the pandemic.

-  The Finnish Supreme Administrative Court analysed whether a rejected applicant for international protection, who submitted false information during the asylum procedure and founded a family in the meantime, could still be given a residence permit based on family ties. While in one of the [cases](#) the court confirmed that the reasons for rejecting the residence permit application were more weighty than reasons for the protection of family life and the best interests of the child, in the [other](#), it came to the opposite conclusion. In the first case, the court underlined that attempts to evade law had been long-lasting and continuous until requesting the residence permit, while in the second case, the applicant's evasion of the rules focused only on a certain period, dating before 2016.
-  The Finnish Supreme Administrative Court [confirmed](#) the rejection of a family reunification request because a valid travel document from the country of origin was not submitted. One of the parents wanted to be reunited with the spouse (sponsor) who had obtained a residence permit on individual humanitarian grounds and with the child who had refugee status in Finland. However, the parent's application for international protection was rejected and the authorities found no reasons for which he could not contact his home country's authorities. The court underlined that residence permits for family reunification can only be issued in exceptional cases when the travel document is lacking and no special circumstances affected the child's best interests to justify an exemption.
-  In Bulgaria, the authorities may revoke international protection status when a beneficiary does not extend the identity document or residence permit on time. Thus, the Dutch Court of The Hague [granted](#) interim measures to a Syrian family and then [decided](#) against their readmission to Bulgaria, where they would risk losing their international protection status.
-  The Icelandic Immigration Appeals Board [requested](#) the Directorate of Immigration to re-examine the case of a child to assess if he could qualify for a residence permit on humanitarian grounds instead of international protection. The board also asked it to re-assess his mother's case, based on the principle of family unity. Their application was rejected on formal grounds, as the mother had a valid residence permit in Chile and the child had Chilean citizenship. On appeal, the board found that the directorate did not fulfil its duties for an appropriate assessment.

3. Reporting by civil society organisations

-  Refugee Support Aegean continued to observe important delays in the delivery of residence permits for beneficiaries of international protection in Greece,²⁴ especially those re-admitted from other EU+ countries.²⁵ This document is a pre-requisite to access many other rights and services, including health care and employment.
-  aditus foundation in Malta made recommendations to speed up the delivery of residence cards following its research on obstacles to receive relevant documentation for several target groups, including family members of beneficiaries of international protection.²⁶ The International Protection Agency added that protection cards for beneficiaries of international protection were delivered promptly, on the same day as the decision.
-  In their submissions to the UN CRC, France terre d'asile made suggestions to facilitate access to residence documents in France for unaccompanied children once they reach the age of majority.²⁷
-  The Rockwool Foundation and University College London analysed Danish integration policies over 40 years and found that restricting criteria for permanent residence may hinder the integration of less-resourceful groups, which may be discouraged by the strict criteria.²⁸
-  The Danish Institute of Human Rights focused on the impact of changes in the rules for a beneficiary to obtain a residence permit and noted several legal uncertainties in the process of withdrawing international protection.²⁹ Civil society organisations published a joint position paper arguing to re-introduce more stable permits and to count periods of education as work experience for the purpose of the permit.³⁰

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](#).

Sources

Please see [Sources on Asylum 2023](#) for the full list of over 1,300 references which were consulted for the Asylum Report 2022.

¹ AIDA Cyprus. (2023). *Country Report: Cyprus - 2022 Update*. Edited by ECRE. Written by Cyprus Refugee Council. https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-CY_2022update.pdf

² European Council on Refugees and Exiles. (2023). *Input to the Asylum Report 2023*.

https://euaa.europa.eu/sites/default/files/2023-03/european_council_on_refugees_and_exiles_ecre.pdf

³ Federal Ministry of the Interior and for Community | Bundesministerium des Innern und für Heimat. (2022, October 19). *Bundesinnenministerin Faeser: Erster Schritt für einen Neustart in der Migrationspolitik [Federal Minister of the Interior Faeser: First step for a new start in migration policy]*.

<https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2022/10/chancen-aufenthaltsrecht-bt.html>

⁴ Ministry of the Interior | Sisäministeriö. (2022, December 20). Family reunification process for minors to be streamlined in future. https://intermin.fi/-/kansainvalista-suojelua-saava-lapsi-voi-jatkossa-nykyista-useammin-elaavanhempiensa-kanssa?languageld=en_US

⁵ European Union Agency for Asylum. (2022). *Asylum Report 2022*. <https://euaa.europa.eu/asylum-report-2022>

⁶ Finnish Human Rights Centre | Ihmisoikeuskeskus | Människorättscentret. (2022, June 30). *Submission from the Finnish Human Rights Centre/NHRI for the consideration of State Report – Finland – 93rd Pre-sessional WG*.

<https://bin.yhdistysavain.fi/1586428/z3cBh9SfCvrfZ1AkuWUw0XwWmG/NHRI%20-%20CRC%20report%202022%20-%20FINAL.pdf>

⁷ Lov nr 452 af 20/04/2022, Lov om ændring af udlændingeloven, straffeloven, lov om aktiv socialpolitik, repatrieringsloven og forskellige andre love [Act no. 452 of 20/04/2022, Act amending the Aliens Act, the Criminal Code, the Act on Active Social Policy, the Repatriation Act and various other laws], April 20, 2022.

<https://www.retsinformation.dk/eli/ta/2022/452>

⁸ Decreto del Presidente della Repubblica 4 ottobre 2022, n. 191 Regolamento recante modifiche al decreto del Presidente della Repubblica 31 agosto 1999, n. 394, in attuazione dell'articolo 22 della legge 7 aprile 2017, No 47, recante misure di protezione dei minori stranieri non accompagnati(22G00202) [Presidential Decree of 4 October 2022, No 191 Regulation amending Presidential Decree No 394 of 31 August 1999 implementing Article 22 of Law No 47 of 7 April 2017 concerning measures for the protection of unaccompanied foreign minors (22G00202)], October 4, 2022. <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2022-10-04:191>

Ministry of the Interior of Italy | Ministero dell'Interno, & Ministry of Labor and Social Policies | Ministero del Lavoro e delle Politiche Sociali. (2022, December 28). *Minori stranieri non accompagnati, in vigore il nuovo regolamento [Unaccompanied foreign minors, the new regulation is in force]*. <https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/2976/Minori-stranieri-non-accompagnati-in-vigore-il-nuovo-regolamento>

European Commission, European Website on Integration. (2022, December 28). *Italy: New regulation on unaccompanied foreign minors*. https://ec.europa.eu/migrant-integration/news/italy-new-regulation-unaccompanied-foreign-minors_en

⁹ United Nations Committee on Economic, Social and Cultural Rights. (2022, March 28). *Concluding observations on the third periodic report of Czechia*. <https://uhri.ohchr.org/Document/File/8e7b781d-018d-4e99-91ae-9ba5f48ab6fd/092B7BA9-53B4-4FEF-864D-01CF2CC46E0E>

¹⁰ GI-15/2022 – Vurdering av vilkårene for asyl i utlendingsloven § 28 første ledd når søkeren allerede har oppholdstillatelse i Norge [GI-15/2022 – Assessment of the conditions for asylum in the Immigration Act section 28 first paragraph when the applicant already has a residence permit in Norway], September 19, 2022.

<https://www.regjeringen.no/no/dokumenter/instruks-gi-152022-vurdering-av-vilkarene-for-asyl-i-utlendingsloven-28-forste-ledd-nar-sokeren-allerede-har-oppholdstillatelse-i-norge/id2928017/>

¹¹ European Website on Integration. (2022, June 23). *Sweden: Commission on language requirements for permanent residence*. https://ec.europa.eu/migrant-integration/news/sweden-commission-language-requirements-permanent-residence_en

¹² AIDA Sweden. (2023). *Country Report: Sweden - 2022 Update*. Edited by ECRE. Written by Swedish Refugee Law Center. https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf

¹³ Euractiv (2023, March 10). *Belgium announces new migration deal*.

<https://www.euractiv.com/section/politics/news/belgium-announces-new-migration-deal>

¹⁴ Refugee Appeals Board | Flygtningenævnet. (2022, February 24). *Flygtningenævnet berostiller sager vedrørende ukrainske statsborgere [Refugee Appeals Board suspends cases concerning Ukrainian nationals]*.

<https://fln.dk/da/Nyheder/Nyhedsarkiv/2022/240220221>

- ¹⁵ AIDA Belgium. (2023). *Country Report: Belgium - 2022 Update*. Edited by ECRE. Written by the Vluchtelingenwerk Vlaanderen. https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-BE_2022update_final.pdf
- ¹⁶ Finnish Immigration Service | Maahanmuuttovirasto. (2022, February 10). *Delays in sending residence permit cards*. https://migri.fi/-/oleskelulupakorttien-lahettamisessa-ruuhkaa?languageld=en_US; Finnish Immigration Service | Maahanmuuttovirasto. (2022, June 16). *Backlog in the processing of alien's passports and refugee travel documents*. https://migri.fi/-/muukalaispassien-ja-pakolaisen-matkustusasiakirjojen-kasittelyssa-ruuhkaa?languageld=en_US
- ¹⁷ Ministry of the Interior | Sisäministeriö. (2022). *Selvitys mahdollisista kansallisista ratkaisuista maassa ilman oleskeluoikeutta olevien tilanteeseen [An overview of possible national solutions to the situation of those without right of residence in the country]*. <http://urn.fi/URN:ISBN:978-952-324-545-7>
- ¹⁸ European Union Agency for Asylum. (2020). *EASO Asylum Report 2020: Annual Report on the Situation of Asylum in the European Union*. <https://euaa.europa.eu/sites/default/files/EASO-Asylum-Report-2020.pdf>
- ¹⁹ Immigration and Naturalisation Service | Immigratie- en Naturalisatiedienst. (2022, March 25). *Reassessment children's pardon started*. <https://ind.nl/en/news/reassessment-childrens-pardon-started>
- ²⁰ AIDA France. (2023). *Country Report: France - 2022 Update*. Edited by ECRE. Written by Forum Réfugiés – Cosi. https://asylumineurope.org/wp-content/uploads/2023/05/AIDA-FR_2022-Update.pdf
- ²¹ Council of State | Conseil d'État. (2022, June 3). *Peut-on imposer aux usagers d'accomplir des démarches administratives en ligne ? Le Conseil d'État fixe un cadre général et se prononce sur le cas particulier des demandes de titre de séjour des étrangers [Can we require users to complete administrative procedures online? The Council of State sets a general framework and rules on the specific case of residence permit applications for foreigners]*. <https://www.conseil-etat.fr/content/download/175307/document/Communiqu%C3%A9%20de%20presse%20-%20Section%20du%20contentieux%20du%20%20mai%202022%20-%20web.pdf>
- ²² Department of the Taoiseach | Roinn an Taoisigh. *Government agrees to temporarily require refugees travelling to Ireland from safe European countries to hold visas*. <https://www.gov.ie/en/press-release/f1289-government-agrees-to-temporarily-require-refugees-travelling-to-ireland-from-safe-european-countries-to-hold-visas>
- ²³ Ministry of the Interior | Ministero dell'interno. (2022, January 28). *Rifugiati, per sposarsi possibile autocertificare lo stato di libero [Refugees, to get married it's possible to self-certify single status]*. <https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/2258/Rifugiati-per-sposarsi-possibile-autocertificare-lo-stato-di-libero>
- ²⁴ Refugee Support Aegean, & Stiftung PRO ASYL. (March 2022). *Beneficiaries of international protection in Greece. Access to documents and socio-economic rights*. https://rsaegean.org/wp-content/uploads/2022/03/2022-03_RSA_BIP_EN.pdf
- ²⁵ Refugee Support Aegean. (2022, October 6). *Deported to destitution*. <https://rsaegean.org/en/deported-to-destitution>
- ²⁶ aditus foundation. (2022, August 9). *Report on the Obstacles in accessing Proper and Correction Documentation*. <https://aditus.org.mt/report-obstacles-accessing-documentation/#.ZGN6m4RByUn>
- ²⁷ France Terre d'Asile. (2022). *Rapport alternatif thématique au Comité des Droits de l'Enfant des Nations Unies dans le cadre de l'examen de l'application de la Convention Internationale des Droits de l'Enfant par la France [Alternative thematic report to the United Nations Committee on the Rights of the Child in the framework of the assessment of France's application of the International Convention on the Rights of the Child]*. https://www.france-terre-asile.org/images/stories/publications/pdf/Rapport_alternatif_2022_web.pdf
- ²⁸ European Website on Integration. (2022, March 28). *Denmark: Learning from 40 years of refugee integration policies*. https://ec.europa.eu/migrant-integration/news/denmark-learning-40-years-refugee-integration-policies_en
- ²⁹ European Website on Integration. (2022, June 23). *Denmark: Changes to asylum practice and residence permits*. https://ec.europa.eu/migrant-integration/news/denmark-changes-asylum-practice-and-residence-permits_en
- ³⁰ European Website on Integration. (2022, June 23). *Denmark: Changes to asylum practice and residence permits*. https://ec.europa.eu/migrant-integration/news/denmark-changes-asylum-practice-and-residence-permits_en