



## **EMN Ad-Hoc Query on Ad-Hoc Query on the right of residence provided for TCNs to whom international protection application has been rejected**

Requested by GR EMN NCP on 30th December 2015

### **Protection**

Responses from [Belgium](#), [Bulgaria](#), [Croatia](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Greece](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Portugal](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#), [Norway](#) (23 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:**




Greece during the last decade (since 2005) has received a large number of third country nationals, who applied for international protection. In this respect and as a significant number of these applications is rejected (especially the previous years), due to the fact that most of them are economic migrants (and not beneficiaries of international protection), Ministry of Interior and Administrative Reform is examining the possibility of adopting a provision related to these people, especially in cases where these third country nationals, rejected applicants were residing in Greece for a long period of time.



### **Questions**




1. Does your national legislation provides for a residence status to third country nationals, whose application for international protection is rejected;
2. If yes, which categories of rejected asylum seekers fall under these provisions, under which conditions and of what type of residence status (temporary or permanent, renewable or not, etc) is provided for;
3. Which rights and /or obligations are linked to this status;

### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	<b>Belgium</b>	Yes	<p><b>1.</b> Third country nationals who have received a final negative decision regarding their application for international protection are not provided with a residence status in Belgium and are ordered to leave the territory. However, rejected asylum seekers may apply for a few other residence statuses in Belgium, if they meet the eligibility criteria linked to the status that they want to obtain. They may - in exceptional circumstances - apply for residence on humanitarian grounds (art. 9bis of the Immigration Law). If they suffer from an illness that constitutes a real risk to their life or physical integrity or for which there is a real risk of inhuman or degrading treatment when there is no adequate treatment in their country of origin or residence, they may apply for residence on medical grounds (art. 9ter of the Immigration Law). They may also apply for residence as a victim of trafficking in human beings. Finally, rejected asylum seekers may also apply for family reunification with a Belgian national. Only a limited number of rejected asylum seekers are granted a residence permit on the basis of one of the above mentioned options. More detailed information on possible status changes is available in the Belgian contribution to the EMN study on changes in immigration status.</p> <p><b>2.</b> Belgium does not provide rejected asylum seekers with a residence status (see answer to question 1).</p>


			3. Belgium does not provide rejected asylum seekers with a residence status (see answer to question 1).
	<b>Bulgaria</b>	Yes	<p>1. No.</p> <p>2. N/A</p> <p>3. N/A</p>
	<b>Croatia</b>	Yes	<p>1. Foreigners Act of the Republic of Croatia does not have specific provisions that prescribes approval of temporary residence to a third country nationals, whose application for international protection is rejected. Temporary residence can be granted to a third country national who intends to reside or already resides in the Republic of Croatia for the purposes as provided by Foreigner Act and if conditions prescribed under this Act are fulfilled.</p> <p>2. N/A</p> <p>3. N/A</p>
	<b>Czech Republic</b>	Yes	<p>1. Yes, Foreigners Act (No. 326/1999 Coll., as amended) provides for a permanent residence permit to third country nationals, whose application for international protection is rejected. However, certain legal conditions have to be fulfilled.</p> <p>2. Person concerned is entitled to ask for this type of permanent residence permits after at least 4 years of continuous residence on the territory of the Czech Republic under condition that at least 2 last years from these 4 years the person concerned has been legally an asylum seeker. The application must be lodged within two months after the asylum application was rejected. The law further stipulates that this permit can be granted only to certain categories of vulnerable persons (minors below 15 years, elderly persons above 65 years and persons with serious medical problems). This type of residence permit can also be issued to a person who is responsible for taking care of mentioned vulnerable persons. The residence permit can also be issued to any other person on the humanitarian grounds.</p> <p>3. Persons with permanent residence permits have the rights and obligations comparable with citizens.</p>

	<b>Estonia</b>	Yes	<p>1. No, in Estonian legislation there is no additional residence status to third country nationals whose application for international protection has been rejected.</p> <p>2. N/A</p> <p>3. N/A</p>
	<b>Finland</b>	Yes	<p>1. Yes</p> <p>2. This concerns all categories of rejected asylum seekers with a final decision. The amended legislation entered into force on the 1st of July 2015. The main aim of the amendment was to promote voluntary return, and to make the legislation stricter for the aliens who do not cooperate with the authorities during the return process. Namely those who cannot be removed from the country, but who could return voluntarily.</p> <p>Alien's Act (304/2004) Section 51 (unofficial translation)</p> <p>Issuing residence permits in cases where aliens cannot be removed from the country</p> <p>1) Aliens residing in Finland are issued with a temporary residence permit if they cannot be returned to their home country or country of permanent residence for temporary reasons of health or</p> <p>2) if the return or removal to their home country or country of permanent residence is actually not possible</p> <p>A residence permit is not granted to the alien based on subsection 2) if the return cannot be carried out, because the alien does not consent to return to his/her home country or country of permanent residence or if he/she tries to influence the return arrangements in a negative way (make it more difficult).</p> <p>Issuing a residence permit does not require that the alien have secure means of support.</p> <p>If aliens are issued with a residence permit under subsection 1, their family members residing abroad are not issued with a residence permit on the basis of family ties.</p>

			<p>The residence permit is granted as a temporary permit for one year.</p> <p><b>3.</b> There is no requirement for the alien to have secure means of support. Family reunification with family members living abroad is not possible, see response to Q.2.</p>
	<b>France</b>	Yes	<p><b>1.</b> No. If the French Office for the Protection of Refugees and Stateless Persons (OFPRA) rejected an asylum application and the applicant did not lodge an appeal to the national Court of Asylum (CNDA), or if the CNDA rejected the appeal, the TCN loses his/her right to remain on the French territory. The prefecture will notify the decision of refusal along with an order to leave the territory to the TCN whose application has been rejected.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>
	<b>Germany</b>	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> To give an example regarding foreigners who are obliged to leave the country after the rejection of their application for asylum, yet whose residence cannot be terminated due to reasons not caused by the applicant, may be granted a limited residence title that can be renewed; the residence title should be granted if the deportation has been suspended for a period of 18 months (Â§25, section 5, German Residence Act (AufenthG). When the relevant foreigners authority responsible for the applicant grants the residence permit, it also takes a decision regarding the possibility of employment. Under certain conditions and after a period of 5 years, the residence title may be turned into an unlimited settlement permit. Furthermore there is the possibility of the residence title to be granted to foreigners under the obligation to leave the country should these be well qualified (Â§18 German Residence Act - AufenthG) or should they be well integrated youngsters and adolescents. If further conditions should be met, such a residence title can also be granted to their parents (Â§ 25a German Residence Act - AufenthG).</p> <p><b>3.</b> See above</p>
	<b>Greece</b>	Yes	<p><b>1.</b> In Greece, according to Immigration and Integration Law (L. 4251/2014, as amended by L. 4332/2015), when an application for international protection (asylum or subsidiary protection), is</p>

			<p>rejected, the respective third country national may apply for two different types of residence permit (if the certain conditions in any case are fulfilled): (a) residence permit for humanitarian reasons according to a decision of the Minister of Interior and Administrative Reform for third country nationals, whose application for international protection has been rejected. Regarding to the law, for granting of this national permit, it should be taken into account, in particular, the objective impossibility of removal or return of the applicant to his/her country of origin or usual residence due to force majeure (e.g. serious health reasons of the applicant or of members of his family, international embargo imposed on his/her country, civil war followed by mass violations of human rights, or the fulfilment of the requirements of the non - refoulement clause). The Greek Asylum Service should refer the request of granting such residence permit to the Ministry of Interior (Migration Directorate), which decides, if the request should be further processed. This residence permit is valid for one year, gives access to the labour market and may be renewed every two years provided that the same conditions are still met or (b) residence permit for exceptional reasons according to a decision of the Minister of Interior and Administrative Reform, for third country nationals, who reside in Greece for minimum seven years and who can prove that they have developed strong ties with the country. This residence permit is valid for two years, gives access to dependent employment or to provision of services and could be renewed under the law conditions.</p>
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	<p><b>Hungary</b></p>	<p>Yes</p>	<p><b>1.</b> Yes. Applicable national legislation: Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals; Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals</p> <p><b>2.</b> For the examined category of persons residence permit can be granted on humanitarian grounds. Section 29 Act II of 2007 lists the categories that shall be issued residence permit on humanitarian grounds as follows: [â€] b) the person who has been granted exile in Hungary; [â€] (1a) In the event of withdrawal of expulsion and exclusion orders under Subsection (10) of Section 47, the immigration authority shall - in the absence of the requirements specified in this Act for residence - issue a residence permit to the third-country national affected on humanitarian grounds if the third-country national: a) cooperated with the immigration authority in the process of carrying out the expulsion; b) complied with the prescribed rules of conduct and with the obligation to report on a regular basis; and c) is not</p>

implicated in a criminal proceeding and does not have a criminal record. The validity period of a residence permit granted on humanitarian grounds regarding the categories identified in b) and (1a) shall be one year and may be extended by maximum one year at a time. Furthermore, Section 13(2) of Act II of 2007 sets out that in the event of non-compliance with the requirements set out in Subsection (1), the entry and stay of third-country nationals shall be authorized only on humanitarian grounds, on grounds of national interest or because of international obligations. The length of validity of a residence permit issued on the basis of Section 13(2) of Act II of 2007 is dependent on what specific purpose of residence the residence permit is issued by the authority for.

**3. 3. Rights and obligations regarding exiles: (in Act II of 2007 Section 29.)** (6) Exiles shall be entitled to the rights afforded to persons with residence permits and to the rights granted to exiles in specific other legislation. The exile shall provide assistance for having his identity established, however, failure to establish his identity shall not justify refusal of a residence permit. (7) Exiles [â€ ] shall be provided aid and support specified under specific other legislation. According to corresponding national legislation (Government Decree Section 74.), beneficiaries of humanitarian protection, such as those who have been granted exile are entitled to receive personal care services, cash benefits and cash subsidies. Personal care services: a) accommodation and services provided at a community or an equivalent placement, b) health care services Cash benefits: a) After moving out from the community shelter or reception centre the beneficiary of humanitarian protection is entitled to receive subsidies for 12 months. When granting the funding, the Office is taking into consideration to what extend the person in question is in need. are entitled to receive different services and subsidies, who are not in possession of any asset or income - and their spouse, partner, brother or lineal relative living in the same household does not have any assets ensuring livelihood or the income per person does not exceed the prevailing minimum pension (in 2015 it was 28.500 HUF which equals to about 90 EUR) in Hungary. The money will be transferred on a monthly basis by postal transfer to the beneficiary of humanitarian protection. The listed services are granted on the basis of neediness. Exiles are required to submit proof of their income and assets they possess in Hungary in the form of a completed property and income statement (in accordance with Annex Number VI of Government Decree 114/2004. (V. 24.). The person should notify the Regional Directorate of ION (Office of Immigration and Nationality) before leaving abroad in case his/her departure abroad will exceed 30 days. During the period of absence the payment of the subsidy can be suspended. In case the beneficiary of humanitarian protection does not fulfil his/her reporting obligation the Regional Directorate can terminate the payment. The types/content of rights associated to a residence




			permit issued on the basis of Section 13(2) of Act II of 2007 is dependent on what specific purpose of residence the residence permit is issued by the authority for.
	<b>Ireland</b>	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Italy</b>	Yes	<p><b>1.</b> Under Article 32(3) of Legislative Decree No 25/2008, when the Territorial Commission for the recognition of international protection does not grant refugee status nor subsidiary protection, it (the said Commission) may ask the competent Questura (local police authority) to grant a permit for humanitarian reasons (pursuant to Article 5 (6) of the Consolidated Act on Immigration).</p> <p><b>2.</b> A residence permit for humanitarian reasons may be granted to a TCN (whose application for international protection cannot be admitted), when the Commission has verified that the applicant find himself or herself in one of the following situations: 1) Conditions of particular personal vulnerability linked to his or her health state or age minority; 2) Situation of grave political instability in the country of origin; 3) Personal experience of violence; or 4) Famine, natural or environmental disasters. A residence permit for humanitarian reasons cannot be granted for reasons other than those listed above, even though, in practice, the integration level of a TCN (number and quality of relationships established and length of stay in Italy) may be considered when a decision is taken. Such a residence permit is valid for one year, and can be renewed as long as the serious humanitarian reasons still apply. Italian legislation has not explicitly provided for a renewal procedure for this type of residence permit. In practice, the provision contained in Article 5 (4) of the Consolidated Act on Immigration regulating permit renewal is applied, which reads as follows: «A residence permit is renewed for a period that is not longer than that established at the time of first issue». In the case of permits for humanitarian reasons, the situation of TCNs is assessed on a case-by-case basis.</p> <p><b>3.</b> TCNs holding a residence permit for humanitarian reasons are afforded the following: 1) the right to work 2) the right to register with the National Health Care System; 3) the right to access municipal reception centres and the social assistance measures which are provided for beneficiaries of international protection; 4) the right to access education and vocational training courses; and 5) the right to convert their residence permit into a permit for family or work reasons. According to Circular of the Ministry of the Interior No 300/2003, TCNs holding a residence permit for humanitarian reasons are entitled to a travel document if the competent authorities of their country of origin have not issued a passport, or if,</p>


			for grave security reasons, it is not possible to apply for a passport/renewal at the diplomatic missions of their country of origin.
	<b>Latvia</b>	Yes	<p>1. Latvian legislation does not provide other residence status to third country nationals, whose application is rejected.</p> <p>2. -</p> <p>3. -</p>
	<b>Lithuania</b>	Yes	<p>1. No, Lithuania does not provide for a residence status to TCNs, whose application for international protection has been rejected. However, in particular cases when a) an alien is an unaccompanied minor, b) an alien cannot be returned to a foreign state or expelled from the Republic of Lithuania (due to non-refoulement), c) an alien is unable to leave due to a dangerous health condition or force major she/he may be issued a temporary residence permit up to one year. This residence permit may be renewed if above mentioned circumstances prevail. An alien with this residence permit may access the labour market.</p> <p>2. N/a</p> <p>3. N/a</p>
	<b>Luxembourg</b>	Yes	<p>1. 1. No. In Luxembourg, article 34 (1) and (2) of the Law of 18 December 2015 on international protection and temporary protection (Asylum Law) establishes that a negative decision to an international protection application comprehends a return decision and that the applicant has 30 days to leave the country voluntarily. The Asylum Law does not mention that the rejected international protection applicant can apply for another type of residence permit. The Immigration Law provides that an authorisation to stay has to be requested before entering the country. There are a few exceptions, which can apply to third country nationals in an irregular situation in general (including rejected asylum seekers). Article 78 (3) of the Law of 29 August 2008 on free movement of persons and immigration (Immigration Law) establishes the possibility that a third-country national can apply for an authorisation of stay for private reasons based on humanitarian grounds of exceptional seriousness, provided that his/her presence does not constitute a threat to public policy, public health or national security. The</p>



application is not valid if it is based on grounds already used in the context of a former application (such as an application for international protection). Article 89 (1) of the Immigration Law establishes that an authorisation of stay can be granted to a third-country national who has resided in the territory for at least 4 years before filing the application and who proves a real desire for integration, provided that his/her presence does not constitute a threat to public policy, public health or national security, and under the conditions that s/he has not used false information regarding his/her identity and s/he has not absconded a return decision and (a) if s/he has the parental authority of a minor who lives in his/her household and attended a Luxembourgish school for at least 4 years and that the applicant can provide for his/her needs and those of his/her family; (b) if the applicant had followed with success at least 4 years of school in a Luxembourgish educational institution and introduced his/her application before his/her 21th birthday and proves that s/he has sufficient resources for covering his/her needs. In the first case the Minister in charge of Immigration will issue a salaried worker residence permit if the applicant fulfils the conditions of article 42 (1) 3 and 4 of the Immigration Law or a residence permit for private reasons in case the applicant continues studying or doing vocational training. For a third-country national who is subject to a return decision, such as a rejected applicant for international protection in Luxembourg, and who cannot be returned to his/her country of origin for reasons that are not of his/her making, the Minister in charge of immigration may postpone the removal of the person (article 125bis (1) of the Immigration Law). The third-country national may remain on the territory on a temporary basis, without being authorised to reside. The decision to postpone the removal may be accompanied by an order for house arrest or an alternative measure pursuant to article 125 (1) of the Immigration Law. The duration of the postponement is for a period determined in accordance with the circumstances particular to each case and until such time as there exists a reasonable prospect of performance of his/her removal (article 125bis (1)).



**2. 1.** The rejected international protection applicant as well as any other third-country national in an irregular situation who fulfil the criteria and conditions can apply for the residence permit for private reasons based on humanitarian grounds (article 78 (3) and 79) or the authorisation of stay established in article 89 (1) that can open the possibility to obtain either a salaried worker residence permit if the applicant fulfils the criteria for a salaried worker residence permit or a residence permit for private reasons. The application has to be filed at the Directorate of Immigration and it is the Minister in charge of Immigration that will decide. For the conditions that the applicant has to fulfil see answer to Q.1.


**3.** The residence permit for private reasons based on humanitarian grounds of exceptional seriousness is valid for a period not exceeding three years, which shall, upon application, be renewable if, following a

			<p>re-examination of his/her circumstances, it is apparent that he/she continues to meet the conditions. The beneficiaries may apply for the issue of a "salaried worker" residence permit if they devote themselves principally to a salaried activity and fulfil the conditions laid down in points (3) and (4) of Article 42 (1). As mentioned above, the authorisation of stay foreseen by article 89 (1) allows the possibility of issuing a salaried worker resident permit if the conditions of article 42 (1) 3 and 4 are fulfilled or a residence permit for private reasons in the case the applicant continues his/her studies or vocational training.</p>
	<p><b>Netherlands</b></p>	<p>Yes</p>	<p>1. Yes, but only for certain categories of third country nationals.</p> <p>2. Based on national legal provisions, third country nationals can receive a residence status for:</p> <ul style="list-style-type: none"> <li>- Unaccompanied minors</li> <li>- For medical reasons (in this case the TCN receives 'delay of deportation' under certain circumstances; after three years a residence permit can be received)</li> <li>- Third country nationals who cannot return to the country of former residence, but are willing to</li> </ul> <p>The conditions and residence status are different for each category:</p> <p>Conditions and residence status for unaccompanied minors:</p> <ul style="list-style-type: none"> <li>- Under the age of 15 (between the age of 15-18 a minor will not be forced to return unless there is a form of adequate reception with family or in a foster home).</li> <li>- Unaccompanied by adult family members</li> <li>- Inadequate reception with family or in a foster home in country of residence</li> <li>- there is no doubt about identity and nationality</li> </ul> <p>Status: Temporary residence permit for 1 year</p>


			<p>Conditions and residence status for the rejected asylum seekers with medical problems:</p> <ul style="list-style-type: none"> <li>- The person receives medical treatment which is not available in the country of residence</li> <li>- Stopping the medical treatment will result in a medical emergency (will cause death within 3 months)</li> </ul> <p>Status: Delay of departure for the maximum of one year</p> <p>Conditions and residence status for third country nationals who cannot return to the country of former residence, but are willing to:</p> <ul style="list-style-type: none"> <li>- The third country national has voluntarily tried to arrange his/her return</li> <li>- there is no doubt about identity and nationality</li> <li>- The third country national has asked for help for acquiring a travel document</li> <li>- The person has objectively proven that it is not his own fault that return to the country of former residence is not possible</li> </ul> <p>Status: Temporary residence permit for one year</p> <p><b>3.</b> Unaccompanied minors: Are allowed to work For medical reasons: Are not allowed to work Third country nationals who cannot return, but are willing to: Are allowed to work</p>
	<p><b>Portugal</b></p>	<p>Yes</p>	<p><b>1.</b> No. The Portuguese legislation doesn't provide for a residence status to third country nationals whose application for international protection is rejected. If the TCN is undocumented, he must leave the country in 20 days; if the application is submitted at the border post and it is denied, the TCN must leave the country in 30 days.</p> <p><b>2.</b> -</p>

			3. -
	<b>Slovak Republic</b>	Yes	<p>1. No, Slovak legislation does not regulate any type of residence permit for third country nationals whose application for international protection has been rejected. When the rejection of the application becomes effective, it is necessary to deal with the status of the third country national e.g. through administrative expulsion or in case the foreigner cannot be expelled through granting him/her tolerated stay. Slovak Republic shall grant tolerated stay to third country nationals including rejected asylum seekers who cannot be expelled due to obstacle to administrative expulsion or their departure is not possible and detention is not reasonable. (The foreigner shall be granted any other type of residence permit in accordance with the Act on Residence of Aliens if the conditions are met).</p> <p>2. N/A</p> <p>3. N/A</p>
	<b>Slovenia</b>	Yes	<p>1. Yes. Under the Alien Act an alien, third country national, whose application for international protection has been rejected and he/she cannot be removed or for any other reasons prescribed by the Alien Act, is granting temporary permission to stay in Republic of Slovenia. Permission to stay is granted by the police at the request of the alien or ex officio for a period of six months</p> <p>2. Slovenian legislation does not distinguish between different types of aliens who are illegally staying in Slovenia. The legislation defines different reasons in order to issuing temporary permission to stay in Republic of Slovenia such as; if the deportation is not permitted; does not possess and is unable to acquire a valid travel document of the country of his nationality; due to the death or serious illness of a family member who resides in the Republic of Slovenia; an alien minor is attending primary school in the Republic of Slovenia; required by a guardian for a special case assigned to an unaccompanied alien minor, etc.</p> <p>3. Aliens with granted permission for temporary stay in the Republic of Slovenia have the right to emergency health care and to basic care, alien minors have the right to basic education. Alien whose identity was not confirmed due to false information in the procedures for establishing identity could not be entitled to basic care.</p>

	<b>Spain</b>	Yes	<p><b>1.</b> Only if the applicant whose application has been refused leave to proceed or has been rejected satisfies the requirements to remain in Spain in a situation of stay or residence, or if humanitarian reasons are present that justify such stay or residence (articles 37 and 46 (3) of the Ley 12/2009 (the statute governing rights of asylum and subsidiary protection).</p> <p><b>2.</b> a) Temporary residence permit on grounds of international protection: Persons whom the Minister for Home Affairs, at the behest of the interdepartmental committee on asylum and refugees, authorises to remain in Spain on humanitarian grounds when serious and founded reasons are thought to exist that determine that the return of the party concerned to his or her country of origin would involve a real risk to his or her life or physical integrity: Article 125 of the Regulation of the Ley Orgánica 4/2000, on the rights and freedoms of foreign nationals in Spain and their social integration. The permit is granted for one year, and may be renewed for further annual periods.</p> <p>b) Temporary residence permit on humanitarian grounds: Persons who show that their transfer to their country of origin or the country from which they entered for the purposes of applying for the relevant visa would endanger their own or their family’s safety, where such persons satisfy the rest of requirements to obtain a temporary residence permit or work and residence permit: Article 126 of Ley Orgánica 4/2000. The permit is granted for one year, and may be renewed for further annual periods.</p> <p><b>3.</b> Foreign nationals may exercise the rights secured to them under Ley Orgánica 4/2000 (Title I of which sets out a broad catalogue of rights and freedoms) on an equal footing with Spanish nationals.</p> <p>It is to be borne in mind, what is more, that for the purposes of the residence categories set out above there is no requirement to produce a visa or to prove satisfaction of the labour market test (if the temporary residence permit on exceptional grounds also carries an authorisation to work).</p> <p>Obligations: Essentially, the duty to keep documentation proving their identity and their administrative situation in Spain and to fulfil the formal and substantive requirements provided for in any procedures in which they may be involved subsequently, as well as complying with the duties and obligations under prevailing law.</p>
	<b>Sweden</b>	Yes	<p><b>1.</b> Sweden does not practice “tolerated stay” or similar statuses for rejected asylum seekers and there are no general provisions to give rejected asylum seekers residence status. In Sweden there is in principle a single application process for asylum seekers and any relevant ground for issuing a residence permit is</p>

			<p>tried when processing and deciding on the application. If rejected, they can receive other statuses, but they need to individually fulfil the conditions for these to be issued a permit under relevant provisions of the Aliens Act. In practice this means that for a person who applies for international protection, refugee status claims are first tried. If the applicant is not found to be a refugee, subsidiary protection claims are then tried. If the person is not found to be in need of subsidiary protection, humanitarian reasons (particularly or exceptionally distressing circumstances according to the Aliens Act – these provisions are planned to be abolished 30 April 2016 and be replaced by a more strict provision) are examined. If there is no ground to issue a residence permit according to the latter provision and there are no other grounds to issue a residence permit, the application for residence permit is rejected. However, in certain circumstances family reunification can be tried in the same application process (provided that the circumstances are such that they allow an exemption from the main rule in the Aliens Act that an application for a residence permit shall be submitted before entering the country). Under certain circumstances a rejected asylum seeker can apply for a work permit as well. There are certain conditions linked to this possibility, for instance that the person in question has been exempted from the obligation to have a work permit and have been working for a certain period. The national contribution to the EMN focussed study Changes in immigration status and purpose of stay contains more detailed information in this respect.</p> <p><b>2.</b> See above, but as mentioned there as well, Sweden does not practice “tolerated stay” or similar statuses for rejected asylum seekers.</p> <p><b>3.</b> See above, but as mentioned there as well, Sweden does not practice “tolerated stay” or similar statuses for rejected asylum seekers.</p>
	<b>United Kingdom</b>	Yes	<p><b>1.</b> No –failed asylum seekers, who have been refused and found by the independent courts not to need protection, and who have no other basis to stay, are expected to leave the UK.</p> <p>Information to applicants about what happens when a decision is made on their asylum claim can be found on GOV.UK - <a href="https://www.gov.uk/claim-asylum/decision">https://www.gov.uk/claim-asylum/decision</a></p> <p>Information about claiming asylum in the UK can be found on the GOV.UK website - <a href="https://www.gov.uk/claim-asylum/overview">https://www.gov.uk/claim-asylum/overview</a></p>



			<p>2. N/A</p> <p>3. N/A</p>
	<p><b>Norway</b></p>	<p>Yes</p>	<p>1. No. Failed asylum seekers, who have been refused and found not to be in need of (international) protection, and who have no other basis to stay, are expected to leave Norway. It is the same procedure (asylum process) that addresses three groups of “protection” grounds for residence. First of all there is asylum (in the sense of art 1 A from the Geneva Convention), secondly, if the person is in need of protection (in the sense of art. 3 from ECHR) and thirdly – because of humanitarian considerations; (section 38 from the Norwegian Immigration Act) the right of residence on the grounds of strong humanitarian considerations or because the applicant has a particularly close connection with Norway. If an applicant is found not in need of protection this means that he is also found not in need of a residence permit (in the sense of section 38).</p> <p>However, worth mentioning is one, one-time exception to this rule. In July 2014, the Norwegian Immigration Regulations (§8-13) were changed and a form for one-time amnesty for one particular type of case was introduced. The cases involved children (and their families) who had sought protection by 30th of September 2013, and who had received a final rejection. But because the families had resided in Norway for over three years an exception was made. According to the change in regulations, applicants who fell into this category could, on certain conditions, be granted a residence permit. Additional cumulative requirements (further conditions) were that (i) Norway had no readmission agreement with the country of origin of the child, or (ii) that the child had sought asylum before Norway had signed a readmission agreement and (iii) that the parents cooperated in the establishment of their identity.</p> <p>2. N/A</p> <p>3. N/A</p>