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Ad-Hoc Query on 2023.11 Procedure for the issuance of residence permits for medical reasons

Requested by France on 3 March 2023

Compilation produced on 14 April 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (22 in Total)

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1. BACKGROUND INFORMATION

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In the context of the draft law “controlling immigration, improving integration” currently under discussion in French Parliament, France is reflecting on possible changes to the procedure for issuing a residence permit for care, whether of a legislative or regulatory nature. In order to examine the legal and operational feasibility of the proposed amendments, France wishes to be informed of the legal provisions of the other Member States in this area (existence of a procedure for admission to stay for care, conditions for issuing a residence permit, procedure).

This AHQ updates and complements the 2018.1306 Ad-Hoc Query on Ill TCNs invoking their state of health.

We would like to ask the following questions:

1. Can foreign nationals residing in your country apply for a residence permit on the basis of their state of health?

YES/NO

2. If so, what are the conditions for issuing the residence permit applied for and the period of validity of the residence permit?

3. What is the procedure in place?

4. Is the administrative authority issuing the residence permit obliged to refer the matter to an outside body, possibly composed of persons qualified in the medical field, for medical advice? Please specify the competent body

5. How is the medical opinion drawn up? e.g. examination by an approved doctor, analysis of the treatment/treatment available in the country of origin, other

6. Does the medical opinion bind the issuing administrative authority? Please explain



We would very much appreciate your responses by **31 March 2023**.

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2. RESPONSES

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		Wider Dissemination ²	
	EMN NCP Austria	No	
	EMN NCP Belgium	Yes	<p>1. Yes</p> <p>2.</p> <p>Art. 9ter Immigration Act provides that foreign nationals applying for authorisation to stay for medical reasons need to:</p> <ul style="list-style-type: none"> • reside in Belgium at the time of the application; and • suffer from a serious illness.

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>A serious illness is defined as an illness occasioning either a real risk to the applicant's life or physical integrity or a real risk of inhuman or degrading treatment when there is no adequate treatment in the country of origin or habitual residence. According to national case law, the scope of Art. 9ter is broader than the obligation of non-refoulement contained in Art. 3 ECHR.</p> <p>Unlike applicants for international protection, foreign nationals applying for authorisation to stay for medical reasons do not receive a temporary residence permit upon registration of their application. Only if and once their application has been declared admissible, foreign nationals in the Art. 9ter procedure are granted a residence right through a certificate of registration. This certificate of registration is valid for three months and can be extended three times for three months and from then on for periods of one month.</p> <p>If the application of the foreign national is considered to be well-founded, s/he is granted an authorisation to stay and a residence permit for limited duration (A-card) valid for at least one year. Authorisation to stay is also granted to members of the nuclear family living under the same roof.</p> <p>After this first year, s/he can renew his or her residence permit for limited duration every year. S/he needs to apply for renewal to his or her municipality between 45 and 30 days before the date of the expiry of the residence permit. The authorisation to stay can be extended if s/he fulfils the required criteria, i.e. if the medical circumstances still exist or have not changed in such a way that authorisation to stay is no longer necessary. This change of circumstances should be sufficiently profound and durable in nature. Five years after the application has been filed, the foreign national authorised to</p>
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			<p>stay on the basis of Art. 9ter is entitled to a residence permit for unlimited duration (B-card).</p> <p>3. Applications for authorisation to stay based on Art. 9ter should be filed in the territory. The procedure for medical regularisation can be initiated at all times, irrespective of other (ongoing or concluded) procedures.</p> <p>To apply for authorisation to stay for medical reasons, the foreign national has to send his or her application to the Immigration Office by registered letter.</p> <p>The applicant needs to choose a place of residence in Belgium. If this place changes in the course of the procedure, s/he needs to inform the Immigration Office. If no place has been chosen, it is assumed that the foreign national has chosen the Immigration Office as place of residence. Furthermore, the application must mention an address in the territory as effective place of stay.</p> <p>The application needs to contain all useful and recent information about his or her illness and about the possibilities and accessibility of adequate treatment in his or her country of origin or stay.</p> <p>S/he also needs to submit a standard medical certificate completed by a physician and not older than three months. The certificate needs to contain information about the illness, its degree of seriousness and the treatment that is deemed necessary.</p>
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			<p>In most cases, the foreign national needs to produce proof of identity. This proof may be constituted by a combination of elements that contain the applicant's per-sonal data, have been issued by the com-petent government, have not been drafted on the basis of mere statements by the applicant and allow to establish a physical link with him or her. Asylum-seekers in the asylum procedure are exempted from this requirement.</p> <p>The Immigration Office first assesses whether the application is admissible. A request can be declared non-admissible if it fails to pass through the "medical filter" introduced in 2012, that is, if the medical officer or physician appointed by the Office concludes that the illness invoked by the applicant manifestly does not correspond to a "serious illness" During this first stage, the Immigration Office also instructs the municipality to conduct a residence check. If this check reveals that the applicant does not stay on the territory of the municipality, his or her request is declared non-admissible. Such decision can also be taken if:</p> <ol style="list-style-type: none"> 1. request has not been sent by registered letter or does not mention the effective place of stay of the applicant; or 2. proof of identity or proof of exemption has been submitted; or 3. standard medical certificate has not been submitted, is older than three months or is incomplete; or 4. new elements have been invoked. <p>In these cases, the Immigration Office takes a decision of non-admissibility and may also issue an order to leave the territory.</p>
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			<p>If the admissibility requirements are met, the Office instructs the municipality to register the personal data of the applicant in the foreigners register, part of the national register, and to issue a certificate of registration.</p> <p>Once the request has been declared admissible, the medical officer or physician appointed by the Immigration Office examines the case on its merits. S/he assesses if the applicant suffers from a “serious illness” occasioning a real risk to his or her life or physical integrity or a real risk of in-human or degrading treatment when there is no adequate treatment in the country of origin or habitual residence. The first of these hypotheses concerns a very serious illness implying that a removal of the person concerned cannot be envisaged even if s/he can obtain medical treatment in his or her country. The second hypothesis regards a serious illness which does not necessarily obstruct a return, but whereby a removal may amount to a real risk of in-human or degrading treatment due to the absence of adequate medical treatment in the country of origin or habitual residence. In this case, the medical officer or physician should examine the availability and accessibility of medical treatment on the basis of information from internal databases such as the European Medical Country of Origin Information (MedCOI).</p> <p>Apart from medical aspects, the Immigration Office also checks if the application contains elements of public order.</p> <p>If the application is considered to be unfounded, the Immigration Office issues a decision of refusal of residence and may also issue an order to leave the territory. If the application is considered to be well-founded, the Office grants authorisation to stay.</p>
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			<p>In principle, the final decision of the Immi-gration Office is sent to the municipality of the chosen place of residence of the ap-plicant. It could also be sent by registered letter to his or her place of residence or by fax to the office of his or her lawyer (if cho-sen as place of residence).</p> <p>If the applicant has been authorised to stay, the municipality issues a residence permit (cf. Content of protection).</p> <p>4. No. Physicians are employed by the Immigration Office</p> <p>5. See question 3</p> <p>6. The physician gives an independent advice to the decision making authority, in this case the Immigration Office.</p>
	EMN NCP Bulgaria	Yes	<p>1. Yes</p> <p>2. A prolonged residence permit (for a period of up to one year) may be granted to foreigners who have a visa 'D' and have been admitted to a medical establishment for continuous treatment. They also need to avail of sufficient financial resources for treatment and subsistence, in order not to become a burden on social insurance systems, and their health condition shall require them to be sustainably cared for by qualified medical personnel.</p>


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			<p>To receive the right to a prolonged residence, the foreigner shall submit, in person to the Migration Directorate – MoI or to the Regional Directorates of the Ministry of Interior, a standard application with the following documentation enclosed to it:</p> <ol style="list-style-type: none"> 1. a copy of a valid passport or of a replacing document, containing the pages with the photograph of the individual, the personal data, a copy of the visa D, where applicable, and the stamp of the last entry in the country. The original passport or replacing document shall also be produced upon submission of the application to compare the authenticity of the copy; 2. a document for a paid state fee (under Art. 10, Para. 3 of Tariff N 4 on Fees Collected in the Ministry of Interior according to the Law on State Fees); 3. an evidence for a provided accommodation; 4. an obligatory medical insurance valid on the territory of the Republic of Bulgaria when the person has not been insured under the Law on Health Insurance; 5. an evidence for stable, regular, providable and sufficient means of subsistence ensuring that individuals will not rely on the social assistance system; The monthly subsistence amount for the term of residence in Bulgaria should not be lower than the minimum monthly wage, the minimum education grant or the minimum pension for the country; 6. a criminal record certificate showing no previous convictions; it shall be issued by the home country of the foreigner or by the state of his usual residence – when initially submitting an application; 7. and a certificate issued by a medical establishment with an indicated plan for treatment and recovery. <p>The application shall be submitted no later than 14 days before expiry of the already permitted term of residence. The application shall be examined and decided upon within up to 14 days. In a legally or factually complex case where there is a need to produce</p>
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			<p>additional documents, this term may be extended by one month. The foreigner shall be informed of this extension in writing and of the needed that documents and information shall be produced within 14-day term. In case that the additional documents and information are not produced within this term, the procedure shall be terminated and the application shall not be subject to re-examination.</p> <p>3. See answer 2</p> <p>4. No, only in case of doubts about the submitted documents.</p> <p>5. N/A</p> <p>6. No</p>
	EMN NCP Croatia	Yes	<p>1. Yes. In the Republic of Croatia, a third country national may be granted a temporary stay for other purposes (for medical treatment), in accordance with the provisions of Article 57, Paragraph 1, Point 10 of the Aliens Act ("Official Gazette" No. 133/20, 114/22 and 151/ 22).</p> <p>2. A third-country national shall be granted a temporary stay if he: justifies the purpose of temporary stay; holds a valid foreign travel document; has means of subsistence; has health insurance; when applying for temporary stay for the first time, provides a</p>


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			<p>document proving that he has not been convicted for criminal offences by a final ruling, which has been issued by his home country or a country in which he has resided for more than a year immediately prior to arriving in the Republic of Croatia; has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if no alert has been issued in SIS for the purpose of forbidding his entry; does not pose threat to public policy, national security or public health. A temporary stay permit shall be issued with a period of validity of up to one year and cannot be extended. A third country national can submit a request for regulation of temporary residence for other purposes after the expiration of six months from the expiration of the validity of the temporary residence that was approved for other purposes.</p> <p>3.</p> <p>A third-country national submits medical documentation to request a temporary residence permit for other purposes as evidence justifying the purpose of the temporary stay, and the competent police department or police station decides on the request according to the place of residence or intended stay of the third-country national.</p> <p>4. No. When approving a temporary stay for other purposes (for medical treatment), the police administration or police station is not obliged to ask for the opinion of another body (for example, the Ministry of Health or the Croatian Institute for Health Insurance), but on the basis of the attached medical documentation, while being guided by the principle of independence and free assessment, evaluates the evidence and decides on the approval of temporary residence. An official person in a public legal body independently determines the facts and circumstances in the procedure and resolves the administrative matter on the basis of the established facts and circumstances. Which facts and circumstances will be considered evidential is</p>
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			<p>determined by the official person with a free assessment, based on a conscientious and careful assessment of each piece of evidence separately and all the pieces of evidence together, and based on the results of the entire procedure.</p> <p>5. /</p> <p>6. /</p>
	EMN NCP Cyprus	Yes	<p>1. NO. However, a residence permit on humanitarian reasons can be granted, on the basis of existing health issues, especially when the TCN cannot receive health treatment in the country of origin.</p> <p>2. A residence permit on humanitarian reasons is usually valid for one year, but it can be renewed. The permit is issued after on an ad-hoc basis, depending on the specific circumstances of the TCN's case.</p> <p>3. There is no specific procedure. It is initiated after a simple written request of the TCN</p> <p>4. No, but it usually asks for the opinion of the Health Services of the Ministry of Health.</p> <p>5.</p>


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			<p>It depends on the case. The Health Services of the Ministry of Health decide on the necessary data/exams/analyses needed, in order to evaluate the health status of the TCN.</p> <p>6. No. It is of a consultative nature.</p>
	EMN NCP Czech Republic	Yes	<p>1. NO. Only in the case of an application for a permanent residence permit after four years of continuous residence on the territory, the health reasons might be one of the reasons for granting it. This is mostly the case of a foreigner who is staying in the territory as a temporary resident after the conclusion of the procedure for granting international protection. A permanent residence permit shall be issued if the applicant is a foreigner who is unable to take care of himself or herself because of a long-term unfavourable health condition.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>

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			6. The medical report is one of the documents that might be submitted with the application for permanent residence as and evidence of an unfavourable medical conditions for the issuing authority.
	EMN NCP Estonia	Yes	<p>1. No. However, according to the current regulation (Aliens Act), under exceptional circumstances, Police and Border Guard Board (PBGB) may grant a temporary residence permit for settling permanently in Estonia if the alien is staying in Estonia and in the course of the proceedings concerning the entry of an alien into Estonia, his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia of an alien it has become evident that it would be clearly unduly burdensome to him or her, the alien lacks the possibility of getting the residence permit in Estonia on another basis and the alien does not constitute a threat to public order and national security. Together with the decision to grant this temporary residence permit, considerations have to be noted on which the making of the decision was based (Aliens Act § 2103).</p> <p>2. A temporary residence permit issued for settling permanently in Estonia under exceptional circumstances mentioned above may be issued for up to one year at a time and may be extended by up to three years at a time (Aliens Act § 2104). The process of applying for/issuing this temporary residence permit is the same as for other temporary residence permits set out in the Aliens Act. All required documents must be submitted at the service office of the PBGB (if the person already resides in Estonia) and state fee paid. PBGB will verify whether the necessary documents for application have been properly submitted and whether the conditions necessary for the</p>

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			<p>issue of the residence permit are satisfied. If there are deficiencies or if additional information is required, applicant will be contacted. Processing of the application may take up to two months.</p> <p>3. Please see answer above.</p> <p>4. No, there is no obligation but if necessary, PBGB can include or obtain expert assessment from a relevant medical institution (e.g., to prove health status, need for treatment etc.). Applicant has the corresponding burden of proof.</p> <p>5. N/A</p> <p>6. No. As this temporary residence permit will be issued under exceptional circumstances, sponsor's obligation set in the Aliens Act under regular circumstances (e.g., when applying for a temporary residence permit for study or for employment, hence the obligations set for the educational institution or the employer) are not applied.</p>
+	EMN NCP Finland	Yes	<p>1. YES. There is no residence permit category on the basis of health reasons only in the Finnish Aliens Act. Health reasons are one of the circumstances considered in Aliens Act section 52: Issue of residence permits on a discretionary basis on humanitarian grounds (formerly translated as compassionate grounds).</p>

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			<p>A residence permit may also be issued based on Aliens Act section 51: Issue of residence permits in cases of obstacles to leaving the country.</p> <p>2. According to section 52, a residence permit is issued, if refusing a residence permit would be manifestly unreasonable with regard to the applicant's health, ties to Finland or on a discretionary basis on other humanitarian grounds, particularly in consideration of the circumstances they would face in their country of origin or of their vulnerable position. According to Government proposal 28/2003, in addition to the applicant's state of health, there has to be other reasons for granting the residence permit. The circumstances under which the applicant would find her/himself in the country of origin or her/his vulnerable position are taken into special consideration. Granting the residence permit is therefore not based solely on the applicant's state of health, but on an overall assessment of the applicant's situation, circumstances and status. According to government proposal 28/2003, "In an individual case, there would also have to be other factors which would make return to the country of origin unreasonable on humanitarian grounds. The applicant could be for example a vulnerable child, an elderly person or a single parent. Furthermore, the applicant's country of origin would have to be such that after an extended stay in Finland it would be unreasonable return the applicant to the country of origin, all relevant factors considered."</p> <p>Granting a residence permit with regard to the applicant's health would require that it is impossible to have the necessary health care in the country of origin. In addition, the circumstances they would face in their country of origin would cause considerable physical and psychological strain and return to the country of origin is expected to shorten the applicant's lifetime. The fact that receiving health care in the country of</p>
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			<p>origin is expensive and the applicant lacks the means to pay for it, is not sufficient grounds for issuing a permit.</p> <p>A first residence permit based on Aliens Act section 52 is issued as a continuous fixed-term permit for one year. After that, an extended permit (a new fixed-term residence permit) is issued for a maximum of four years. A permanent residence permit may be issued after the person has resided legally in the country for a continuous period of four years.</p> <p>A residence permit may also be issued based on Aliens Act section 51: Issue of residence permits in cases of obstacles to leaving the country. 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. This residence permit may be issued, if the applicant is temporarily unable to return due to health reasons, even if it would be possible to have the necessary health care also in their home country.</p> <p>A residence permit based on section 51 is issued as a temporary permit for one year. After that, an extended temporary permit may be issued again for one year. After two temporary permits, a possible extended permit may be issued as a continuous permit for a maximum of four years. A permanent residence permit may be issued after the person has resided in the country with a continuous permit for a period of four years.</p> <p>3. According to section 52 of the Aliens Act, a person can submit an application solely on a discretionary basis on humanitarian grounds. Alternatively, the grounds under Section 52 of the Aliens Act may be assessed in connection with any other application for a residence permit or international protection, if, for example, health-related grounds for the permit emerge during the processing.</p>
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			<p>The grounds under section 52 are also always by default assessed in connection with an application for international protection, in case the grounds for international protection are not fulfilled. It should also be mentioned that a residence permit application on the grounds of section 52 can only be submitted in Finland. It cannot be submitted abroad.</p> <p>A residence permit on the grounds mentioned in section 51 can only be considered, if removal of the person is under consideration or has been already attempted, but circumstances preventing the removal have emerged.</p> <p>4. In principle, applicant has no legal obligation to provide the authorities any medical report, but in practice the assessment of their state of health is always based on one. While processing the application, the Finnish Immigration Service sends a supplement request to the applicant to provide a medical report. Finnish authorities have an obligation under the Administrative Code to investigate each matter thoroughly. There is de facto no other viable means of assessing the applicant's state of health than to request a medical report issued by a medical professional. So one could argue, that in practice there is a legal obligation for the authorities to request a medical report from the applicant. However, there are no provisions as to which body/doctor gives the opinion.</p> <p>5. The medical certificate provided by the applicant can be compared with the available country information. The Finnish Immigration Service official internal guidelines on residence permits on a discretionary basis on humanitarian grounds instructs that "Country of origin information on medical treatment can be obtained, if necessary, through queries to the MedCOI database. The National Institute for Health</p>
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			<p>and Welfare (THL) can also be consulted for questions concerning, for example, communicable diseases or medication."</p> <p>6. The medical opinion is not strictly binding in any direction, but the issuing administrative authority (in this case the Finnish Immigration Service) has no competence to assess the health status other than what the medical opinion says. However, the issuing administrative authority's duty is to assess the overall conditions for granting a permit. Therefore, in this case, the Finnish Immigration Service has the obligation to make the overall assessment of whether the facts stated in the medical report are sufficient to grant a residence permit.</p>
	EMN NCP France	Yes	<p>1. YES</p> <p>2.</p> <p style="padding-left: 40px;">A foreign national habitually residing in France may be issued with a residence permit if their state of health requires medical care, the defect of which could have consequences for them of exceptional seriousness and if, having regard to the provision of care and the characteristics of the health system in their country of origin, they could not actually receive appropriate treatment there.</p> <p style="padding-left: 40px;">This is also the case if they are the parent of a sick minor child.</p> <p>3.</p> <p style="padding-left: 40px;">The decision to issue this residence permit is taken by the prefect after consulting a medical body of the Medical Service of the French Office for Immigration and Integration (OFII).</p>


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			<p>4. The decision to issue this residence permit is taken by the prefect after consulting a medical body of the Medical Service of the French Office for Immigration and Integration (OFII), which is a public institution under the supervision of the Ministry of the Interior</p> <p>5. The applicant must provide a medical certificate drafted by the hospital doctor, or the doctor who usually treats the applicant, and his/her medical file. Doctors from the OFII are then responsible for determining whether the absence of this medical care would lead to exceptionally serious consequences for the applicant and for deciding on the accessibility of care in the country of origin. The OFII takes a position on three considerations: does the applicant's state of health require medical care? Can the failure to take charge entail consequences of exceptional seriousness? If so, can they actually access treatment in their country of origin? To obtain information about the availability of the medical treatment or medication in the country of origin, the OFII uses international reference data sources such as UNAIDS, WHO, the country's essential medicines list, the MedCOI database (EASO), scientific publications, various official reports, etc.</p> <p>6. The prefect is not in a situation of circumscribed powers. It may refuse to issue a residence permit despite a favourable opinion of the college of doctors but must, in that case, give specific reasons for its decision. France also has a procedure to protect against expulsion. A foreign national, apart from any application for a residence permit, may rely on his state of health if he is the subject of an expulsion order in order to defer or render its enforcement impossible.</p>
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			Protection is also granted after obtaining the opinion of the OFII, which decides in accordance with a special procedure in the event that the foreign national is detained or under house arrest. The opinion is not binding on the prefect, who may decide to enforce the removal order. However, the OFII wonders about the same three criteria as in the case of an application for a residence permit.
	EMN NCP Greece	Yes	<p>1. YES</p> <p>2.</p> <p>According to Greek migration legislation, is provided the following: By decision of the Secretary of the Decentralized Authority of the place of residence of the interested third country national, a residence permit on humanitarian grounds is granted to persons suffering from severe mental or physical health issues. In this case, serious health problems and the length of treatment shall be verified by a recent medical certificate. In the event that the health problem relates to an infectious disease, the Minister of Health should consent that there is no threat to public health and the said decision required for the issuance can be issued. For a residence permit to be issued to a person with severe health issues, the applicant should hold a prior valid residence permit. The permit is valid for two years and can be renewed for up to two years each time, provided the same preconditions are met. No fee is required for the consideration of residence permit applications and the family members of the persons concerned who hold residence permits for the purpose of family reunification, it is possible to renew their residence permit for as long as the residence permit for humanitarian reasons is valid.</p> <p>Also, the following admission procedure is provided for third country nationals:</p>


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			<p>i) By decision of the Secretary of the Decentralized Administration, residence permits for medical, nursing, and palliative care may be issued to third country nationals, who have entered the country on a national visa. In case of minors or adults in need of help due to health issues, a residence permit may be granted, upon application, to the parents/persons who have the custody of the minor and to the spouse/accompanying person of the adult third country national.</p> <p>ii) The issuance of the national visa and residence permit entails:</p> <p>a) The submission of a written confirmation by a Greek medical institution that the third country national has been accepted for medical treatment, including the estimated duration and cost of hospitalization treatment and, in case of adults, the necessity of not of being accompanied in the country.</p> <p>b) the existence of a medical insurance that will cover the cost of medical treatment and healthcare expenses. In lack of such an insurance, may be accepted the submission of evidence for the existence of sufficient own financial means to cater for the above-mentioned costs.</p> <p>c) evidence of the existence of sufficient living resources/means for the period of residence of the person concerned and of the accompanying persons, when needed.</p> <p>Third country nationals who are granted the above mentioned residence permit, are not entitled to any type of employment and to the health insurance or welfare system in Greece.</p> <p>The residence permit is of one year duration and may be renewed for equal duration (four years at the most in total), provided that the above-mentioned conditions are still met. The change of the purpose of residence permit is not allowed and the third country national, as well as the accompanying person, are obliged to leave the country upon completion of the hospitalization treatment and in any case before the expiration of the residence permit.</p>
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			<p>3. Please see reply to question 2.</p> <p>4. Please see reply to question 2 (point ii).</p> <p>5. Please see reply to question 2 (point ii)</p> <p>6. Please see reply to question 2. Bottom of Form</p>
	EMN NCP Hungary	Yes	<p>1. Yes.</p> <p>2. Residence permits may be issued for the purpose of medical treatment to third-country nationals seeking admission into the territory of Hungary for the purpose of receiving medical treatment, or accompanying their minor children or family members in need of support for receiving medical treatment in Hungary. Medical treatment may be verified by a formal statement from the host medical facility on the medical treatment provided. The third-country national is to have sufficient means of subsistence and financial resources to cover their costs for the duration of the intended stay, for their entry and for the return to their country of origin or transit to a</p>


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			<p>third country, as well as accommodation, and full healthcare insurance or sufficient financial resources for healthcare services.</p> <p>The validity period of a residence permit issued for the purpose of medical treatment shall correspond to the duration of treatment, not exceeding 2 years, and it may be extended by the duration corresponding to any extension of the treatment, not exceeding 2 years at a time.</p> <p>3.</p> <p>As a general rule, except as provided for by law, an application for residence permit may be submitted to the consular officer of Hungary, or other place authorised to accept applications for residence permit located in the country where the applicant's permanent or temporary residence is located, or in the country of the applicant's nationality.</p> <p>Third-country nationals residing in the territory of Hungary may submit an application for residence permit at the regional directorate responsible for the place where the place of accommodation of the third-country national is located if there was a special circumstance justified by the third-country national.</p> <p>4.</p> <p>No.</p> <p>5.</p> <p>Medical treatment may be verified by a formal statement from the host medical facility on the medical treatment provided. After the individualised and comprehensive evaluation of all documents available to it, the authority acts in its discretionary power within the framework of the examination of the purpose of residence.</p>
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			<p>6.</p> <p>No. Medical treatment may be verified by a formal statement from the host medical facility on the medical treatment provided. After the individualised and comprehensive evaluation of all documents available to it, the authority acts in its discretionary power within the framework of the examination of the purpose of residence.</p>
	EMN NCP Ireland	Yes	<p>1. No, there is no residence permit on the basis of state of health. However, third country nationals from visa-required countries may apply for a short-stay visa to come to Ireland for up to 90 days to undergo a medical procedure in a private hospital. A visa is a form of pre-entry clearance only.</p> <p>2.</p> <ul style="list-style-type: none"> • The medical procedure cannot be performed in the country of permanent residence • There is a confirmed appointment with a private hospital in Ireland to carry out the procedure • The third country national must pay for the treatment in full • The third country national is not permitted to work while in Ireland or to rely on public services including public hospitals <p>3. The applicant must provide documentation which includes the following:</p> <ul style="list-style-type: none"> • letter from the referring hospital, including confirmation that the patient's condition has been discussed with the treating hospital, a description of the treatment needed and why it cannot be carried out in the referring hospital or another hospital in the applicant's home country. The letter should also state if

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			<p>the treatment is available in other countries closer to the applicant's home country.</p> <ul style="list-style-type: none"> • a letter from the private hospital in Ireland, including confirmation that the patient's condition has been discussed with the referring hospital and that no public funds will be used to treat the patient in Ireland • an accommodation plan showing where the applicant will stay while in Ireland • a finance plan showing enough money to support the applicant while in Ireland • travel or medical insurance for the full duration of the stay in Ireland including any risks associated with the medical treatment • evidence of obligation to return home at the end of treatment (within the 90 days). <p>Further details on the requirements are available at this page: https://www.irishimmigration.ie/coming-to-visit-ireland/how-to-apply-for-a-short-stay-c-visit-tourist-visa/short-stay-medical-treatment-visa/</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> <p>6. Not applicable.</p>
	EMN NCP Latvia	Yes	<p>1. According to the provisions of the Latvian Immigration Law, TCN has the right to request a temporary residence permit for the period of time specified in the contract for treatment in a medical institution;</p>


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			<p>In cases not provided of the Latvian Immigration Law, a temporary residence permit for a period of up to five years is granted by the Head of the Office, if it complies with international legal norms or is related to humanitarian grounds.</p> <p>Humanitarian grounds are applicable in exceptional cases, for example, special circumstances related to e person's individual severe moral experiences or great physical pain directly to the person himself. These could be subjectively burdensome conditions for a person, in which compliance with certain requirements or prerequisites would be excessively difficult – to such an extent that it can be recognized as an inhumane requirement. It can be both the physical difficulties of the person himself (difficulty of moving due to disability or old age, remaining in a state of helplessness or almost helplessness), and the difficulties of person's dependent on this person (remaining in a state of helplessness or almost helplessness). It can also be the occurrence of significant difficulties directly due to departure to the home country (including the absence of shelter, lack of any actual connection with this country).</p> <p>2. 1. For a period of time specified in the contract for treatment in a medical institution. The main document is a contract for treatment in a medical institution. A TCN must have sufficient financial means (at least 620 euros per month) in order not to burden the state's social care system.</p> <p>2. For a period of up to five years if it is due to the humanitarian grounds. Humanitarian grounds must be documentary proved. A TCN must have sufficient financial means (at least 620 euros per month) in order not to burden the state's social care system, a place of residence and a health insurance policy.</p> <p>3. The procedure of requesting this type of residence permit (treatment in a medical institution or due to the humanitarian grounds) and the decision making time do not</p>
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			<p>differ from the standard procedure.</p> <p>4. The decision is made on the bases of the submitted documents issued by Latvian healthcare institutions certifying the TCN's health condition, medical and health care recommendations. If the reason of stay is related to some other reason that can be considered a humanitarian reason, family reason for example, any document issued by the child rights protection institutions, educational institutions, court or other will be taken into consideration.</p> <p>5. A certificate issued by the local medical health care institution (family doctor, attending physician) on the patient's state of health and recommendations for further health treatment and care is required.</p> <p>6. The medical opinion is important for the issuing administrative authority. In case of doubt, the institution can ask the Health inspectorate for verification of established diagnoses and the authenticity of the document. However, if there are any circumstances as a threat for state security or a person does not fulfill all criteria for obtaining a residence permit, the medical opinion is not binding.</p>
	EMN NCP Lithuania	Yes	<p>1. YES</p> <p>According to Article 130¹ of the Law on the Legal Status of Foreigners, a temporary residence permit may be issued to a foreigner who is not able to leave Lithuania or</p>


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			<p>return to a foreign state due to humanitarian reasons. Humanitarian reasons include having an illness or some other sudden health disorder or condition.</p> <p>2. Temporary residence permits on this basis are issued for up to one year and their holders have the right to work in Lithuania. The foreigner's stay in Lithuania must be legal at the time of the application.</p> <p>3. The foreigner has to submit an application for the temporary residence permit through the Migration Information System (MIGRIS), have a valid passport, and have a certificate from a hospital that proves that the foreigner cannot leave due to a sudden clinical condition or a need for emergency health services and requires medical aid that may not be delayed.</p> <p>4. No</p> <p>5. The foreigner must obtain a certificate from a hospital that proves that the foreigner's health condition prevents the foreigner from leaving Lithuania. The list of such indications and conditions has been approved by an order of the Minister of Health (Order No. V-208 On the Approval of the Description of the Order and the Scope of the Provision of Necessary Medical Assistance).</p> <p>6.</p>
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			Neither the Law on the Legal Status of Foreigners nor the relevant bylaws provide for any situations in which the Migration Department could ignore or reject a duly-certified document from a healthcare institution.
	EMN NCP Luxembourg	Yes	<p>1. No. Not directly.</p> <p>Article 130 of the amended law of 29 August 2008 on the free movement of persons and immigration (Immigration Law) expressly establishes a procedure that has to be followed in case the TCN invokes health issues when s/he is subject to a removal order. The TCN shall not be expelled from the territory if s/he does not constitute a threat to public policy or public security, and if s/he establishes by means of medical certificates that his/her state of health is such as to necessitate medical treatment without which s/he would face consequences of exceptional gravity and if s/he produces evidence showing that s/he cannot, in practice, receive appropriate treatment in the country to which s/he may be returned.</p> <p>According to article 131 of the Immigration Law, the return can be postponed. The TCN may obtain a suspension of her/his removal for a period not exceeding six months. Such a suspension shall be renewable, but may not exceed a period of two years (article 131(1)).</p> <p>After the two years if the person cannot be removed, s/he can apply for an authorisation of stay for medical reasons for the duration of the treatment, with a maximum duration up to one year. This authorisation may be renewed after a review of the situation. The decisions are taken by the Minister in charge of Immigration. They are based on the reasoned opinion issued by the doctor delegated under Article 130 et seq. of the Immigration Law. In practice and as a general rule, these opinions are followed by the minister.</p>


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			<p>2. See answer to Q.1.</p> <p>3. See answer to Q.1.</p> <p>4. The burden of proof is on the applicant who has to provide medical certificates (see answer to Q.1). Article 130 expressly requires that for obtaining the suspension of the removal, the applicant must present medical certificates of a registered physician that certifies the medical condition of the applicant. Without the medical certificate the claim will be considered a delaying tactic and it can be dismissed without examining its merits.</p> <p>Article 131 (3) expressly establishes that in order to grant or reject the application on health issues, the Minister in charge of Immigration will only take the decision, after a reasoned opinion has been given to her/him by the delegated doctor of the Directorate of Health of the Ministry of Health. The delegated doctor shall carry out such examinations as he may deem necessary. The opinion of the delegated doctor shall deal with the foreigner's need for medical treatment, the consequences of exceptional gravity and the possibility of receiving appropriate treatment in the country to which s/he may be removed.</p> <p>5. See answer to Q.4. The delegated doctor shall carry out such examinations as s/he may deem necessary. The opinion of the delegated doctor shall deal with the foreigner's need for medical treatment, the consequences of exceptional gravity and the possibility of receiving appropriate treatment in the country to which s/he may be removed.</p>
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			6. The medical opinion of the delegate doctor does not bind the decision of the Minister in charge of Immigration. However, the Minister in charge of Immigration always follows the medical opinion provided by the delegate doctor.
	EMN NCP Netherlands	Yes	<p>1. Yes.</p> <p>2. In the Netherlands there are two different possibilities to obtain a residence permit for medical reasons. Where on the one side the permit is intended for a third-country national coming from abroad for a legal stay for medical reasons, on the other side the permit can be obtained by ex-asylum seekers who are already in the Netherlands and who cannot be returned due to lacking treatment in their country of origin.</p> <p><u>Possibility one:</u> Generally, applying for a residence permit for medical treatment requires an authorisation for temporary stay (mvv).</p> <p>Other conditions to be met:</p> <ul style="list-style-type: none"> • The Netherlands is the most appropriate country for medical treatment. This means that a special medical specialty is available in the Netherlands that is not available in the country of origin. • The medical treatment is necessary according to the Immigration and Naturalisation Service's (IND) Bureau of Medical Advice (BMA). This Bureau employs medical doctors and they work independently from the IND. • The healthcare facility in the Netherlands has place for your treatment.

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			<ul style="list-style-type: none"> • The third-country national must have a health insurance that covers treatment in the Netherlands. This insurance and the cost of treatment are not paid from general funds. • The third-country national or the person paying for the stay in the Netherlands meets the income requirements. The third-country national must have enough financial means. He or she may not apply for a social security benefit.[1] <p><u>Possibility two</u></p> <p>This concerns a possibility for asylum seekers who have been rejected. If the application of the asylum seeker is rejected, but returning the asylum seeker to his country of origin would mean that the Netherlands would violate article 3 of EHRM treaty, due to the medical situation of the asylum seeker, we then grant postponement of departure. It has been concluded (with the advice of MedCoi)[2] that the necessary medical treatment is not available in the country of origin.[3] If the postponement of departure is granted, it means that the asylum seeker will not be deported up to a period of one year. He or she can stay legally in the Netherlands, but he or she is not entitled to receive any benefits.[4]</p> <p>If after one year of postponement of departure (article 64 Aliens Act), the medical situation of the asylum seeker is still the same or worse, and the Netherlands cannot return him/her because the necessary medical treatment is not available or inaccessible, it is possible that the ex-asylum seeker applies for a regular residence permit for medical reasons.[5]</p> <p>The following additional conditions apply:</p>
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			<ul style="list-style-type: none"> • Before applying the ex-asylum seeker has resided in the Netherlands for one year under the section 64 of the Aliens Act. • The ex-asylum seeker is still being treated for his/her illness. • There is no treatment for his or her illness or symptoms in the country of origin. Or there is no access to medical treatment for his/her illness there.[6] <p>The residence permit is valid for the period that one receives the medical treatment. The residence permit is valid for a maximum of 1 of 5 years.[7]</p> <p>[1] IND, Residence permit medical treatment, https://ind.nl/nl/verblijfsvergunningen/andere-verblijfsvergunningen/verblijfsvergunning-medische-behandeling#voorwaarden, last accessed 14 March 2023.</p> <p>[2] The EUAA provides access to medical country of origin information (MedCOI). This information supports the national migration and asylum authorities in Europe to reach accurate and fair decisions in international protection and other migration procedures. More precisely, MedCOI is a service for first instance migration authorities of EU+ countries, providing responses to requests for information about the availability and accessibility of medical interventions in countries of origin.</p> <p>[3] Medical Country of Origin Information, About MedCOI, https://medcoi.euaa.europa.eu/, last accessed 21 March 2023.</p> <p>[4] This information was provided by the Immigration and Naturalisation Service (IND) on 20 March 2023.</p> <p>[5] This information was provided by the Immigration and Naturalisation Service (IND) on 20 March 2023.</p>
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			<p>[6] This information was provided by the Immigration and Naturalisation Service (IND) on 20 March 2023.</p> <p>[7] IND, Residence permit medical treatment, https://ind.nl/nl/verblijfsvergunningen/andere-verblijfsvergunningen/verblijfsvergunning-medische-behandeling#voorwaarden, last accessed 14 March 2023.</p> <p>3. <u>Possibility one</u> After collecting all the necessary documents, one applies for the mvv and the residence permit at the same time at the Dutch representation abroad. Then one sends the application with the documents themselves to the IND in the Netherlands. This must be done within 3 weeks of the date filled in by the Dutch representation on the application form. The costs of the application must also be paid within these 3 weeks. The application fee is €1139,00.</p> <p><u>Possibility two</u> An application after a one-year postponement of departure is free of charge. The IND must then make a decision within a decision period of 90 days. This can be extended if the decision takes longer. [1]</p> <p>[1] IND, Residence permit medical treatment, https://ind.nl/nl/verblijfsvergunningen/andere-verblijfsvergunningen/verblijfsvergunning-medische-behandeling#voorwaarden, last accessed 14 March 2023.</p> <p>4. The IND is advised by the BMA.[1]</p>
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			<p>[1] This This information was provided by the Immigration and Naturalisation Service (IND) on 20 March 2023. information was provided by the Immigration and Naturalisation Service (IND) on 20 March 2023.</p> <p>5. The medical opinion is drawn up by BMA. This Bureau employs medical doctors and they work independently from the IND. The BMA describes the medical situation of the third-country national or ex-asylum seeker. It also describes the necessary medical treatment. This is done for each person individually. If the third-country national would be in severe health problems when there is no necessary treatment, the BMA looks up by MedCoi if medical treatment is available.[1]</p> <p>[1] This information was provided by the Immigration and Naturalisation Service (IND) on 20 March 2023.</p> <p>6. No, the medical advice does not exactly bind the IND. Because the IND makes a decision on the application. However, the IND mostly follows and incorporates the medical opinion in the decision, since we are no doctors. The medical advice is high quality and given by experts. If from a medical point of view the residence permit should be granted, it is however possible that the application can be rejected, due to other factors such as public order.[1]</p> <p>[1] This information was provided by the Immigration and Naturalisation Service (IND) on 20 March 2023.</p>
	EMN NCP Poland	Yes	1.

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			<p>No. The Polish law does not provide a dedicated residence permit granted to the foreigner due health condition. In this particular situation, a foreigner may apply for a residence permit on general terms.</p> <p>2. Not applicable.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> <p>6. Not applicable.</p>
	EMN NCP Portugal	Yes	<p>1. Yes. There's a legal framework which provides for granting a residence permit for individuals who suffer from health condition requiring prolonged medical care (Article 122, paragraph 1, subparagraph g) -Lei nº 23/2007, 4julho, in its current version.</p> <p>2. The applicant has to suffer from prolonged illness that prevents his / her return to their home country, in order to preserve his/her health condition .The temporary</p>


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			<p>residence permit, which is issued, is valid for two years from the date of issue of the corresponding title and renewable for successive periods of three years</p> <p>3. The application must be delivered personally, on a standard form signed by the applicant or by his/her legal representative, if the applicant is a minor or legally disabled, and can be submitted in any SEF directorate. • Passport or any other valid travel document • Evidence of sufficient means of subsistence • Evidence that the applicant has adequate accommodation • Permission for SEF to check portuguese criminal record • Extract from the criminal records of the country of origin • Medical certificate issued by an official, or officially recognized, Medical Centre (by the Ministry of Health), substantiating the existence of prolonged illness that prevents the return to the home country, in order to preserve the health condition of the applicant - Passport or any other valid travel document- Evidence of sufficient means of subsistence- Evidence that the applicant has adequate accommodation- Permission for SEF to check portuguese criminal record- Extract from the criminal records of the country of origin- Medical certificate issued by an official, or officially recognized, Medical Centre (by the Ministry of Health), substantiating the existence of prolonged illness that prevents the return to the home country, in order to preserve the health condition of the applicant</p> <p>NOTES</p> <p>Residence Permit with visa waiver is only granted to applicants who have not been the subject of custodial sentence (s) that individually or jointly exceed one year of imprisonment, even if, in case of sentencing for felonious set out in this legal framework, for crime of terrorism, for highly violent or highly organized crime, the enforcement of the sentence has been suspended. To submit the documentation the applicant must visit the customer service bureaus of the Immigration and Borders Service and there's a pre booking system whereby the appointments can be booked either by telephone or online</p>
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			<p>4. No</p> <p>5. The medical certificate has to be issued by an official, or officially recognized, Medical Centre (by the Ministry of Health), and it has to substantiate the existence of prolonged illness that prevents the return to the home country, in order to preserve the health condition of the applicant</p> <p>6. Yes, it binds. As mentioned, the accepted medical certificates, are issued by entities recognized by the Ministry of Health.</p>
	EMN NCP Slovakia	Yes	<p>1. Yes.</p> <p>2. According to the Act on Residence of Foreigners (Article 25, par. 1, letter g)) this foreigner is entitled to a temporary residence for the purpose of special activities. In this regard he/she needs to fulfil all the requirements set by the law for this type of residence. The applicant must submit the following documents:</p> <ol style="list-style-type: none"> 1. completed application form 2. two identical colour photos 3. proof of payment of the administrative fees 4. valid travel document (passport) 5. document proving the purpose of residence - in this case it is a confirmation from the health care institution on the provision of the health care. The form of such health care is not specified. 6. document proving a clear criminal record 7. confirmation of accommodation


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			<p>8. proof of financial coverage</p> <p>The residence permit is issued for the time needed to fulfil its purpose, however for maximum of 2 years.</p> <p>3. The procedure is set by the Act on Residence of Foreigners. He/she needs to submit all the documents as provided in question 2.</p> <p>All documents submitted with the application must not be older than 90 days. Each document issued abroad must be authenticated (either by an apostille or a consular superlegalization) and must be translated to the Slovak language by an official translator certified by the Ministry of Justice of the Slovak Republic. The Foreign Police Department or an embassy will give the applicant a receipt confirming the day of collection of their application. The Foreign Police Department will issue a decision within 30 days of the date of receiving the application.</p> <p>4. No.</p> <p>5.</p> <p>As the document proving the purpose of residence, when applying for the residence permit, the foreigner has to submit a confirmation from the health care institution on the provision of the health care. The form of such health care is not specified.</p> <p>6. No. This depends on the specific case, on the specific diagnosis or condition.</p>
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	EMN NCP Slovenia	Yes	<p>1. Yes</p> <p>2. 1. Temporary residence permit on other reasonable grounds (Article 51(1) of the Foreigners Act)</p> <p>A foreigner who shows, in accordance with an act, international acts or international principles and customs, reasonable grounds that his or her residence in the Republic of Slovenia is justified, may be issued a temporary residence permit by the competent authority for the duration of the intended residence in the Republic of Slovenia, but for not more than one year (the permit can be also renewed under the same conditions as it was issued, with a maximum validity of one year).</p> <p>In accordance with administrative practice, hospital treatment and outpatient treatment, which requires regular and frequent visits to a specialist outpatient clinic and takes place over a long period of time in such a way that the foreigner cannot complete the treatment during the permitted stay in the Republic of Slovenia based on a valid passport (a total length of stay of 90 days in any 180-day period), are considered as other reasonable grounds.</p> <p>In order to be issued this type of a temporary residence permit, a foreigner must also comply with other conditions for being issued a residence permit laid down in the Foreigners Act, namely a valid travel document that is valid for at least three months beyond the intended residence in the Republic of Slovenia, adequate health insurance, sufficient means of subsistence during his or her residence in the country, or other guarantees that his or her means of subsistence will be provided, on a monthly basis, in an amount corresponding to at least the basic minimum income in</p>
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			<p>the Republic of Slovenia (which is currently 465,34 EUR) and that no reasons are given for the refusal to issue a permit.</p> <p>2. Temporary residence permit after prior permission to stay (Article 51(2) of the Foreigners Act)</p> <p>A foreigner who has been allowed to stay in the Republic of Slovenia for at least 24 months since his or her removal from the country is not permitted in accordance with the principle of non-refoulement and his or her identity has been established beyond doubt, and a foreigner who has been allowed to stay in the Republic of Slovenia for at least 24 months and his or her removal from the country is still not possible and there are other reasonable grounds and special circumstances justifying his or her residence in the Republic of Slovenia (e. g. it turns out that due to his life-threatening medical condition during the removal phase, he/she could be exposed to severe and irreversible deterioration of his medical condition) and his or her identity has been established beyond doubt, may be issued a temporary residence permit by the competent authority with validity of two years.</p> <p>A temporary residence permit may be issued if the conditions determined in previous paragraph for issuing a residence permit are met and if there are no reasons for suspecting that the foreigner could represent a threat to the public order and security or international relations of the Republic of Slovenia or there is no suspicion that his or her residing in the country will be linked to terrorist or other violent acts, illegal intelligence activities, the production of or trade in illicit drugs or other criminal acts. A temporary residence permit may be extended by the competent authority for periods of two years, provided that the foreigner's removal from the country in accordance with the principle of non-refoulement is still not permitted, which is confirmed by the police,</p>
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			<p>or if there are other justified grounds and special circumstances justifying his or her residence in the Republic of Slovenia and if there are no reasons for refusing a permit.</p> <p>3. 1. Temporary residence permit on other reasonable grounds (Article 51(1) of the Foreigners Act)</p> <p>A foreigner who legally resides in the Republic of Slovenia on the basis of a residence permit or visa D and wishes to obtain a temporary residence permit on other reasonable grounds must submit an application for the issuance of the permit to the administrative unit in whose territory he/she resides, where the issued permit is also served to him.</p> <p>The following must be attached to an application for the issuance or extension of the temporary residence permit on other reasonable grounds:</p> <ul style="list-style-type: none"> - a photograph of the foreigner or reference number from the clipboard for electronic photographs; - passport or a certified photocopy of passport of the foreigner; - proof of adequate health insurance that covers at least emergency medical services in the Republic of Slovenia, when the foreigner states that they are not covered by compulsory health insurance in the Republic of Slovenia; - proof of sufficient means of subsistence; - a certificate from the criminal record of the home country of the foreigner; always in the case of a request for the issuance of the first permit, and in other cases if the authority so requests; - evidence of other reasonable grounds for residence in the Republic of Slovenia.
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			<p>2. Temporary residence permit after prior permission to stay (Article 51(2) of the Foreigners Act)</p> <p>A foreigner must apply for temporary residence at the competent authority in the Republic of Slovenia prior to the expiry of his or her authorised stay.</p> <p>The following must be attached to an application for the issuance or extension of the temporary residence permit for a foreigner who is permitted to stay in the Republic of Slovenia:</p> <ul style="list-style-type: none"> – a photograph of the foreigner or reference number from the clipboard for electronic photographs; – passport or a certified photocopy of passport of the foreigner; – proof of sufficient means of subsistence, if they have such at their disposal; – proof of possible justified reasons and other special circumstances that justify residing in the Republic of Slovenia; – a certificate from the criminal record of the home country of the foreigner; always in the case of a request for the issuance of the first permit, and in other cases if the authority so requests. <p>4. The Foreigners Act does not regulate this issue. However, the Act on General Administrative Procedure provides that if, for establishing or evaluating some fact which is relevant for the resolution of the case, expert knowledge is required which the official person conducting the procedure does not have, evidence shall be presented through expert witnesses. Evidence presented through an expert witness shall be</p>
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			<p>demonstrated, if the official person conducting the procedure finds it necessary. Persons or organisations which possess expert knowledge necessary for clarifying the state of the case shall be appointed as expert witnesses. If an organisation is appointed as an expert witness, one or several authorised persons shall participate in the procedure on its behalf.</p> <p>5. A person who is appointed an expert witness shall be obliged to produce their findings and an opinion. The issuance of a temporary residence permit on other reasonable grounds (e.g. due to medical treatment in the Republic of Slovenia) is not conditioned on the fact that the foreigner cannot receive treatment in the home country or that the treatment he or she will receive in the Republic of Slovenia is not received in the home country</p> <p>6. No, the official person authorised to conduct the procedure and decide in an administrative case, shall assess which facts are to be considered proven in accordance with their belief, based on a conscientious and careful evaluation of each piece of evidence separately and all evidence together, and based on the outcome of the procedure as a whole.</p>
	EMN NCP Spain	Yes	<p>1. YES</p> <p>2. A foreign national, irrespective of their administrative status, may be issued with a residence permit if they suffer a sudden serious illness or accident which requires specialised medical care; this medical care is not accessible in their country of origin, and the possibility of medical care being interrupted or not received supposes</p>


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			<p>a serious risk for health or life. This is also the case if they are the parent of a sick minor child, or in case of the need to extend the stay of a foreign minor temporary staying in Spain for medical treatment, provided by a programme promoted by a public entity, NGO or a private foundation. 1 year (renewable)</p> <p>3. The procedure begins with an application from the affected person, providing that they have no criminal record in Spain and their country of origin, filed with the Oficina de Extranjeros (Foreign Citizens Office). The decision to issue this residence permit is taken by the Delegado or Subdelegado del Gobierno (representative of the Government in the Autonomous Community or Province), head of the Foreign Citizens Office and requires a medical report attesting that the above mentioned requirements are met.</p> <p>4. No, it is sufficient with the medical report of the doctor providing the health care to the affected person (Judgement of the Supreme Court of 24/02/2020 TS 660/2020)</p> <p>5. The doctor providing the health care to the affected person has to issue a report stating that the accident or illness has occurred in Spain, requires specialized medical care, not accessible in the country of origin, and if interrupted it supposes a serious risk for health or life.</p> <p>6.</p>
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			NO, the Foreign Citizens Office may review if the medical report and the documents provided by the affected person fulfill the requirements (also, regarding other aspects like the criminal records).
	EMN NCP Sweden	Yes	<p>1. Yes.</p> <p>2. If a residence permit cannot be granted on other grounds according to Swedish law, a permit may be granted to a foreigner if, in an overall assessment of the foreigner's situation, there are such exceptionally distressing circumstances (synnerligen ömmande omständigheter) – or particularly distressing circumstances (särskilt ömmande omständigheter) for children. Particularly distressing circumstances also applies for adults that have previously had a residence permit – that he or she should be allowed to stay in Sweden (see Aliens Act ch. 5 section 6/5 kap. 6 § Utlänningslagen [2005:716]). In this context, it should be mentioned that the Swedish government has submitted a proposal to amend the Aliens Act so that the concept of particularly distressing circumstances is to be removed. If the proposal is implemented, it will be possible to grant a residence permit for children even if the relevant circumstances do not have the same seriousness and weight as is required for permits to be granted to adults.</p> <p>In the assessment, the foreigner's state of health, adaptation to Sweden and situation in the home country must be taken into account. This applies to persons who are already in Sweden and apply for a residence permit from within Sweden.</p> <p>This regulation is of an exceptional nature. In order for a residence permit according to this regulation to be granted to adults for medical reasons alone, the state of health must be extremely serious. In order to grant a residence permit due to mental illness, a medical examination must provide support that the mental illness is so severe that</p>

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			<p>the condition is life threatening. When health care and medication are available in the home country, a residence permit cannot be granted due to exceptionally distressing circumstances, even if the foreigner must pay for the necessary treatment himself. This circumstance may, however, be weighed in an assessment under Article 3 of the European Convention, if the receiving state has sufficient, adequate and accessible care to prevent the applicant from a serious, rapid and irreversible decline in health, resulting in intense suffering or a considerable shortening of the life expectancy. The validity is 13 months for the first permit on this ground. The residence permit can then be extended for two years at a time. After the applicant has had a residence permit for 3 years, he/she can apply for a permanent residence permit.</p> <p>3. The applicant normally applies for a residence permit on asylum grounds or on the grounds of family ties and for medical reasons in the same application, but in some cases it takes some time before that specific request regarding medical reasons is made. Often the applicant (or the legal representative) submits a medical certificate when the request is made, or is asked by the migration authorities to submit one if this has not been handed in. The medical certificate needs to be issued by a doctor and contain information about the current situation and future care needs, this also include information about ongoing medication and treatment. The migration authorities then make an assessment of the application for a residence permit and take a position on all grounds invoked. This means that a residence permit due to medical reasons is not always assessed if the applicant can be granted a residence permit on any other basis that is present in the examination procedure.</p> <p>4. No. But, as written above, the applicant normally submits a medical certificate issued by a doctor, which the officials at the Swedish migration authorities take into account in their assessment. In some cases the officials ask for an updated medical</p>
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			<p>certificate and sometimes contact the issuing doctor with follow-up questions regarding the medical certificate. Sometimes the officials need specific information about medicine or medical treatment in an applicant's country of origin and can then ask healthcare questions to a specific unit within the Swedish Migration Agency. The information on access to healthcare in different countries is taken from the database MedCOI (Medical Country of Origin Information).</p> <p>5. This question is answered in the previous questions.</p> <p>6. The migration authorities are bound by medical reports in such a way that it must be taken into account during the examination and in some way addressed in the decisions.</p>
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