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2026.62 Residence permits granted in international protection procedure

European Migration Network Ad-hoc query

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AD-HOC QUERY ON 2026.62 RESIDENCE PERMITS GRANTED IN INTERNATIONAL PROTECTION PROCEDURE

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Responses from: EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Serbia, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden, EMN NCP Ukraine, EMN NCP United Kingdom **(25 in total)**

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BACKGROUND INFORMATION

The Finnish Ministry of the Interior would like to know how other EMN Member and Observer Countries resolve a situation where the applicant for international protection (AIP) does not qualify for international protection, but they cannot be issued a return decision either.

In Finland, when a decision is made on the asylum application, the situation of the AIP is decided on definitively in that asylum decision: international protection (refugee status or subsidiary protection) is either granted or not; if not, a decision is taken on

whether the AIP is granted another kind of residence permit or issued a return decision. Therefore, the authority will also analyze at this stage if there are grounds for granting the AIP a residence permit, e.g. for individual humanitarian reasons, such as medical reasons or ties to Finland, or if the return is not possible in practice due to temporary reasons which are beyond the control of the AIP. Only after this analysis is completed does the authority issue a return decision. All these analyses will appear in the same decision document.

The practice of Finland means applicants for international protection whose claim for international protection is rejected do not end up in a limbo, but instead their overall situation is considered at once. However, the downside of this procedure is that it takes a lot of resources to investigate all the other grounds already at this point, and lengthens the international protection process. In this case, the processing of the application is also free of charge for the applicant. Finland is therefore interested to find out whether there would be a more cost-effective way to process the permit grounds in question, and therefore we would like to know how other countries have resolved the situation.

In short, Finland wants to find out how other EMN Member and Observer Countries resolve a situation where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision to the applicant (e.g. medical reasons, ties to the country, or return is not possible in practice for reasons that are beyond the control of the AIP).

WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **12 October 2026**.

1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained?

2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure.

3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection?

4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.)

5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals?

6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed?

RESPONSES

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	EMN NCP Austria	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes, in Austria there are "residence permits for exceptional circumstances" which may be granted on the basis of Art. 2, 3, or 8 ECHR (Art. 54a and Art. 55 Asylum Act 2005), for particularly exceptional circumstances (Art. 56 Asylum Act 2005), or on grounds of individual protection (Art. 57 Asylum Act 2005). These residence permits are granted in some cases ex officio (Art. 54a, 55, 57 Asylum Act 2005) and in other cases upon a substantiated application (Art. 55, 56, 57 Asylum Act 2005). 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. Yes. Every proceeding before the Federal Office for Immigration and Asylum—including proceedings for the granting of international protection—is subject to an objective and comprehensive case-by-case review. The granting of "residence permits on the grounds of Art. 2 or 3 of the ECHR" (Art. 54a Asylum Act 2005) as well as "residence permit for individual protection" (Art. 57 Asylum Act 2005) must be examined ex officio by the Federal Office for Immigration and Asylum, including when the application for international protection is rejected as unfounded both with regard to the recognition of refugee status and with regard to the recognition of subsidiary protection status (Art. 58 para. 1 subpara. 1, Art. 58a para. 1a subpara. 2 Asylum Act 2005).

			3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? N/a 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) N/a 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? Depending on whether the specific requirements are met, in Austria, in the cases mentioned a Residence Permit Plus (residence in Austria and engagement in self-employment or employment),Residence permit (residence in Austria and the pursuit of self-employment or employment for which a corresponding authorization under the Act Governing the Employment of Foreign Nationals is required) or aResidence Permit for Individual Protection (residence in Austria and the pursuit of self-employment or employment, for which a corresponding authorization under the Act Governing the Employment of Foreign Nationals is required)is

			granted (Art. 54 Asylum Act 2005). 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The requirements for granting the aforementioned residence permits are as follows: Residence permit based on Art. 2 or 3 ECHR (Art. 54a Asylum Act 2005): Deportation to the country of origin would not merely be temporarily inadmissible;Residence permits granted on the grounds of Art. 8 ECHR (Art. 55 Asylum Act 2005): Residence Permit Plus:Preservation of private and family life is required under Art. 8 ECHRThe third-country national has completed Module 1 of the integration agreement in accordance with Art. 9 Integration Act or, as of the date of the decision, is engaged in authorized gainful employment, the income from which meets the monthly minimum income threshold.Residence permit if only the first condition is met.Residence permit for particularly exceptional circumstances (Art. 56 Asylum Act 2005): The applicant may be grantedResidence Permit Plus:as of the date of application, he or she has resided continuously in Austria for five years,at least half of that period—but in any case three years—of the established continuous residence in Austria must have been spent lawfully, andhas fulfilled Module 1 of the Integration Agreement in accordance with Art. 9 of the Integration Act, or, at the time of the decision, is engaged in permitted gainful employment, the income from which meets the monthly minimum income threshold. Residence permit, if only the first two of the aforementioned requirements are met.“Residence Permit for Individual Protection” (Art. 57 Asylum Act 2005) is granted: if the third-country national’s stay in Austria has been tolerated for at least one year and the conditions for such a tolerated stay continue to be met, unless the third-country national poses a threat to public safety or the security of the Republic of Austria or has been convicted of a felony by a domestic court. A conviction by a foreign court that meets the requirements of Art. 73 of the Criminal Code shall be treated as equivalent to a conviction by a domestic court,to ensure the prosecution of criminal offenses or to assert and enforce civil claims in connection with such criminal offenses, in particular with respect to witnesses or victims of

			human trafficking or cross-border prostitution trafficking, orif a third-country national who is not lawfully residing or settled in Austria has been the victim of violence, a temporary restraining order pursuant to Art. 382b or 382c of the Enforcement Code has been issued or could have been issued, and the third-country national credibly demonstrates that the granting of a "Residence Permit for Individual Protection" is necessary to protect against further violence.
	EMN NCP Belgium	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes. Belgium has a procedure for exceptional/humanitarian regularisation under Article 9bis of the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreigners. The applicant must demonstrate exceptional circumstances making it impossible or particularly difficult to submit the application from abroad. In addition, Belgium also has a separate procedure under Article 9ter for persons suffering from a serious medical condition, where the statutory medical conditions are met. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure.

			No. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? Other than the procedures described under Q1 (humanitarian and medical regularisation under articles 9bis and 9ter), no, there isn't. However, in Belgium, each procedure is treated separately, which means the person can always apply for another procedure if they fit the criteria. When an applicant receives a negative decision on the application for international protection and isn't eligible for another procedure, the Belgian authorities consider that the person can always return voluntarily to their country. When a person in irregular stay cannot be issued a return decision (non-refoulement), there is no particular procedure foreseen. (Source: Immigration Office) 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) For humanitarian regularisation (article 9bis), the application must be submitted by the foreign national to the local authority of their place of residence, and a fee applies. For

			medical regularisation (article 9ter), application is free of charge and must be submitted by registered post. (Source: Immigration Office) 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? If an application on the grounds of humanitarian regularisation (Article 9bis) or on the grounds of medical regularisation (Article 9ter) is declared admissible and well-founded, the person is normally granted a temporary authorisation to stay and a residence permit in the form of an A card. The A card following a 9bis or 9ter regularisation is generally valid for one year. (Source: Immigration Office) 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? Both procedures (humanitarian and medical regularisation) are exceptional mechanisms. There are no legal criteria for determining whether someone is eligible. Instead, the Minister and the Immigration Office have broad discretionary power to assess applications on a case-by-case basis. For humanitarian/exceptional circumstances (Article 9bis), applicants must demonstrate that it is impossible or especially difficult for them to return to their country of origin or to a country

			where they are authorised to stay, in order to apply for a residence permit. A long stay in Belgium, or integration into Belgian society, is not, in itself, an exceptional circumstance justifying an application for a residence permit in Belgium. For medical regularisation (Article 9ter), applicants must prove that there is no adequate treatment available (in terms of availability and/or accessibility) in the country of origin or residence, and they must not fall under the exclusion criteria. More details on the procedures can be found here: https://dofi.ibz.be/en/themes/third-country-nationals/authorisation-stay-9bis-9ter (Source: Immigration Office)
	EMN NCP Bulgaria	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? In general, the answer is no. However, due to extraordinary reasons, third-country nationals may be granted a right of stay for up to 1 year. In accordance with Article 24, para 1, item 8 of the Law on Foreigners in the Republic of Bulgaria, they have been admitted to a medical establishment for continuous treatment, have sufficient financial resources for treatment and maintenance, so as not to become a burden on social insurance systems, and their health condition requires them to be sustainably cared for by qualified medical personnel. This provision is not directly linked to third-country nationals who have applied for national

			protection and who do not qualify for such status. A third-country national who applies on the above-mentioned legal ground should be in possession of a valid passport, visa "D", evidence of provided accommodation, obligatory medical insurance, valid on the territory of the Republic of Bulgaria, sufficient financial resources for the period of required stay and a certificate showing no previous convictions. The applicant shall submit a certificate from a medical establishment with an indicated plan for treatment and recovery. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. N/A 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? See the answer to Q1.

			4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) See the answer to Q1. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? See the answer to Q1. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? See the answer to Q1.
	EMN NCP Croatia	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes, the Croatian Aliens Act provides for the granting of temporary residence on humanitarian grounds. Temporary residence on humanitarian grounds shall be granted to a third-country national in the following cases: 1. if, as a victim of human trafficking (hereinafter: victim), they have accepted an assistance

			and protection program 2. if they are a minor who has been abandoned, is a victim of organized crime, or is left without parental care, guardianship, or accompaniment for other reasons 3. to a third-country national who, by the date of the application, has held refugee status for at least ten years resulting from the war in the Balkans in the 1990s, or who is covered by a program for the reconstruction, return, or housing of refugees from the Republic of Croatia, as evidenced by a certificate from the state administration body responsible for housing 4. if they cooperate with competent authorities and their participation is necessary in criminal proceedings against an employer who employed them illegally 5. due to serious, justified reasons of a humanitarian nature 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. No. If there are grounds for granting humanitarian residence, the person must submit an application for temporary residence separate from the international protection procedure (the international protection procedure must be concluded before the application for humanitarian residence is submitted). 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection?

			Yes, if return is not possible, a decision is made to temporarily postpone forced removal. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) The decision to postpone forced removal is made ex officio. Forced removal will be temporarily postponed if there are reasons for the prohibition of forced removal (non-refoulement) or if the court has postponed the execution of the decision on expulsion and/or the decision on return. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? N/A. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? N/A.
	EMN NCP Cyprus	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind

			of process can such a residence permit be obtained? YES. Cyprus legislation allows, on a case-by-case basis, the granting of residence permits on humanitarian grounds where exceptional circumstances justify legal stay. Such permits are generally examined through a separate procedure and not within the international protection determination procedure. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. NO. Cyprus does not normally grant alternative national residence permits within or simultaneously with the international protection procedure. The examination of eligibility for international protection is separate from the examination of residence permits under national immigration legislation. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? YES.Following a negative decision on an application for international protection, an individual may submit an application under the Aliens and Immigration Law for another type of residence permit where relevant circumstances exist, including humanitarian considerations, medical

			issues, family links or other exceptional circumstances. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex officio or does the applicant have to apply for it, is there a fee for the application, etc.) Applications are not examined automatically (ex officio) within the international protection procedure. The person concerned must submit a separate application under the relevant migration category and provide supporting documentation demonstrating the grounds. The application is examined in accordance with the applicable national legislation and procedures. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? Depending on the circumstances of the individual case, Cyprus may consider: Residence permits on humanitarian grounds; Residence permits on employment; Residence permits based on family reunification or family ties; Other residence permits provided for under national migration legislation. Each case is assessed individually on its own merits. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The applicant must provide supporting evidence. Depending on the case, this may include: Medical reports and evidence of health conditions; Documentation regarding family links or dependency relationships; Evidence of residence and integration in Cyprus; Employment-

			related documentation; Evidence supporting humanitarian or other exceptional circumstances; Valid travel document or evidence explaining the inability to obtain one, where relevant. The exact documentation required depends on the type of residence permit requested and the circumstances of the individual case.
	EMN NCP Czech Republic	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. There is a specific type of national residence permit granted on humanitarian grounds (a visa for the purpose of tolerated residence), which, however, does not fall within the scope of international protection. This type of residence permit is governed by the Act on the Residence of Foreign Nationals. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. YES. If the asylum authority concludes that the applicant has presented circumstances that could prevent their return, the facts presented are forwarded to the police authority, which in some cases is also responsible for issuing a return decision. The police authority will initiate proceedings and may issue a return decision with a postponement of return.

			3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? YES. Please see Q2. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) YES. A visa for tolerated stay is issued ex officio in the case of a return decision which states that return is not possible for certain reasons. No administrative fee is required for submitting an application for a visa for tolerated stay. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? It is a visa and within the stay on the territory of the Czech Republic, it is possible to apply for the long-term residence permit for the purpose of tolerated stay. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed?

			The first visa is issued ex officio based on a decision by the competent authority (the police) that return is not possible. When applying for a visa extension or for a long-term residence permit, it is necessary to prove that the reasons why return is not possible still apply, or to state any new reasons that prevent return.
	EMN NCP Estonia	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. It is possible to issue a residence permit for settling permanently in Estonia under the Foreign Nationals Act, which does not fall within the scope of international protection. According to Article 210^3 of the Foreign Nationals Act by way of derogation from the purpose provided for in § 210^1 of Foreign Nationals Act in exceptional circumstances a foreign national may be granted a temporary residence permit issued for settling permanently in Estonia if the foreign national is staying in Estonia and in the course of the proceedings concerning the entry of a foreign national into Estonia, his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia of a foreign national it has become evident that it would be clearly unduly burdensome to him or her, the foreign national lacks the possibility of getting the residence permit in Estonia on another basis and the foreign national does not constitute a threat to public order and national security. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please

			explain the procedure. No. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? Yes, the circumstances can be taken into account in return procedures and when assessing whether to issue the person a residence permit under the Foreign Nationals Act Article 210^3. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) The residence permit issued under the specific Article of the Foreign Nationals Act is issued ex-officio, without an application from the person concerned. There is no fee for issuing the specific residence permit. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? A temporary residence permit issued for settling permanently in Estonia on the basis of § 210^3 of Foreign Nationals Act may be issued for up to one year at a time and may be extended by up to three years at a time.

			6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The decision on granting a temporary residence permit by way of derogation on the basis of § 210^3 of Foreign Nationals Act shall be substantiated and shall also note the considerations on which the making of the decision was based. Where the Police and Border Guard Board has initiated the procedure for granting a temporary residence permit under § 210³ of the Foreign Nationals Act, the foreigner shall submit documents proving the circumstances constituting the grounds for granting the temporary residence permit during the procedure. The documents need not be resubmitted if they have already been submitted to the Police and Border Guard Board in the course of a previous procedure.
	EMN NCP Finland	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. Residence permit granted on individual humanitarian grounds is based on Section 52 of the Aliens Act. According to section 52(1) of the Aliens Act, a foreign national in Finland is granted a continuous residence permit if the refusal of a residence permit would be manifestly unreasonable due to their state of health, ties to Finland or other individual humanitarian

			reasons, taking into account, in particular, the circumstances in which they would find themselves in their home country or their vulnerable position. According to subsection 2 of the section, the granting of a residence permit does not require that the individual's livelihood is secured. In other words, according to section 52 of the Aliens Act, a residence permit may be granted either: • based on health reasons • based on ties to Finland • or for any other human reason. The conditions for granting a residence permit on the basis of section 52 of the Aliens Act are the same for adults and unaccompanied minors. If an unaccompanied minor who has applied for international protection does not have the grounds for granting a residence permit referred to in the Aliens Act, they can only be returned to their home country or another country of origin if the appropriate reception of the child there has been ensured. If the conditions of return cannot be ascertained, the minor applicant will be granted a residence permit in Finland on the basis of section 52 of the Aliens Act. The consideration of a residence permit granted on the basis of section 52 of the Aliens Act may be assessed either ex officio, or on the basis of a separate application submitted by the applicant. Ex officio, a residence permit may be considered in connection with an application for international protection, a residence permit or temporary protection. Under section 52 of the Aliens Act, a residence permit can only be granted to a foreign national residing in Finland.

			In addition, a victim of human trafficking in Finland may be granted a temporary residence permit for various reasons (Sections 52 a and 52 b of the Aliens Act). However, the focus of this ad-hoc query is not on the permits granted to victims of human trafficking, so we will not elaborate on them in more detail in this response. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. YES. According to section 94 of the Aliens Act, in connection with the procedure for granting international protection in Finland, the granting of the right of residence must also be examined and decided on other grounds that may arise if the conditions for granting international protection are not met. This means that if the applicant does not meet the conditions for international protection, he or she may still be granted a residence permit under section 52 of the Aliens Act on individual humanitarian grounds in the international protection procedure (see the answer to question 1). A residence permit may also be granted due to obstacles to leaving the country based on section 51 of the Aliens Act. The consideration of a residence permit granted on the basis of section 51 of the Aliens Act may be assessed in Finland either ex officio (in connection with an application for international protection or another residence permit) or with a separate application. According to section 51(1) of the Aliens Act, a foreign national in Finland is granted a

			temporary residence permit if: 1) he or she cannot be returned to his or her home country or country of permanent residence for temporary health reasons; or 2) his or her return to his or her country of origin or habitual residence is not in fact possible. Therefore, due to the applicant's state of health, the granting of a residence permit on the basis of section 51 of the Aliens Act may also be considered. Section 51 of the Aliens Act can be applied if the applicant is currently unable to return to their home country due to their state of health, but they would nevertheless be able to receive the health care they need in their home country. A temporary health reason can mean, for example, a situation where the applicant's treatment is in progress in Finland, and returning in the middle of the treatment would probably delay the implementation of the treatment, which would not be desirable. A residence permit on the basis of section 51(1)2 of the Aliens Act may also be granted if it is not actually possible for the applicant to return to their home country or country of permanent residence. However, under section 51(2) of the Aliens Act, a residence permit is not granted if the reason for not being able to carry out the return is the returnee’s unwillingness, i.e. if they do not agree to return or if they make it difficult to arrange their return. According to subsection 3, the granting of a residence permit does not require that the individual's livelihood is secured. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection?

			Not applicable, see the answers to questions 1 and 2: residence permits under sections 51 and 52 of the Aliens Act are examined ex officio in the international protection process. A residence permit granted on the basis of section 52 of the Aliens Act on individual humanitarian grounds and a residence permit granted on the basis of section 51 of the Aliens Act on the grounds of obstacles to removal from the country can also be applied for with a separate application. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) Not applicable. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? A residence permit granted on individual humanitarian grounds (on the basis of Section 52 of the Aliens Act) is granted as a continuous residence permit. A residence permit in cases of obstacles to leaving the country (on the basis of section 51 of the Aliens Act) is granted as a temporary residence permit. Both of the above residence permits are fixed-term residence permit. The first fixed-term permit is granted for one year.

			6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? It depends very much on the basis on which the permit is being considered. But, for example, the following written explanations can be requested (to the extent that they are applicable/relevant to the case in question): • a medical certificate, epicrisis or the applicant's health information requested directly from the reception centre • a statement from a psychologist or psychotherapist • a statement from a social worker (in the case of children, a statement from a social worker is always requested in the best interests of the child) • a statement from a representative or guardian • a report on the availability and accessibility of medical care • country of origin information • country of origin information on the humanitarian situation in the home region
	EMN NCP France	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g.

			vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes. French law provides for several grounds for residence that may be based on humanitarian considerations (vulnerability circumstances, health reasons or ties to France), which are listed in Book 4 of the Code on the Entry and Residence of foreigners and the Right of Asylum (CESEDA). Certain residence permits are issued specifically on humanitarian grounds: - The residence permit, based on Article L. 435-1 of the CESEDA, for situations involving humanitarian or exceptional circumstances (regularization through exceptional admission to residence); - The residence permit, based on Article L. 425-9 of the CESEDA for a third-country national whose health condition requires medical care and who would not be able to receive appropriate treatment in his/her country of origin; - The residence permit, based on Article L. 425-10 of the CESEDA, for a third-country national who is a parent of a minor third-country national whose health condition requires medical care and who would not be able to receive appropriate treatment in his or her country of origin; - The residence permit, based on Article L. 425-6 of the CESEDA, for a third-country national who is the beneficiary of a protection order due to domestic violence or violence committed by a former spouse, a former partner bound by a civil partnership or a former cohabiting partner; - The residence permit, based on Article L. 425-7 of the CESEDA, for third-country nationals due to threat of forced mariage. Furthermore, a third-country national who is not eligible for a residence permit on family grounds (as the spouse of a French national, parent of a French child, for family reunification, a third-country national who has resided in France since the age of 13, or a third-country national who has been in the care of the child Welfare Services) and who has personal and family ties in France, such that a refusal to authorize his or her stay would constitute a disproportionate infringement on his or her right to respect for private and family life in light

			of the grounds for the refusal, shall be issued a temporary residence permit marked "private and family life" valid for one year. The ties mentioned are evaluated, in particular, in terms of their strength, duration and stability; the third-country national's living conditions; his or her integration into French society and the nature of his or her ties with family members who have remained in the country of origin. Although the scope of this Ad Hoc Query does not cover residence permits granted to victims of human trafficking, French law provides for the issuance of: - The residence permit, based on Article L. 425-1 of the CESEDA, for a third-country national who files a complaint against a person whom he or she accuses of committing acts against him or her that constitute the offenses of human trafficking or pimping, or who testifies in criminal proceedings involving a person charged with those same offenses; - The residence permit, based on Article L. 425-4 of the CESEDA, for a third-country national who is a victim of human trafficking or pimping offenses and who, having ceased prostitution, is engaged in the process of exiting prostitution. With regard to the filing, review and issuance of the aforementioned residence permits, a uniform procedure set forth in Title III of the CESEDA applies: Identifying the legal basis appropriate to the situation of the third-country national;Whether the application is complete with regard to the supporting documents required for the issuance of the requested residence permits;The submission of the application to the competent administrative authority, namely the Prefecture or Sub-Prefecture of the place of residence of the applicant for a residence permit, either electronically, in person or by post;Review of the application by the competent administrative authority (Prefecture or Sub-Prefecture of the place of residence of the applicant for a residence permit);Decisions regarding the issuance of residence permits are made by the same authority. In this regard, it should be noted that the issuance of the aforementioned residence permits is not contingent upon the presentation of

			the long-stay visa as provided for in Article L. 412-1 of the CESEDA. For an application for regularisation under the exceptional residence permit referred to in Article L. 435-1 of the CESEDA, specific rules apply given the exceptional and derogatory nature of this procedure, such as: The referral of an application for exceptional residence status to the residence permit Commission for consultation, when the competent administrative authority (the Prefecture or Sub-Prefecture of the applicant's place of residence) intends to deny the application, even though the applicant has demonstrated by any means that he or she has habitually resided in France for more than ten years;Since exceptional admission for residence constitutes an exceptional procedure, the competent administrative authority (the Prefecture or Sub-Prefecture of the applicant's place of residence) must give priority to the general legal framework and the criteria established by law when addressing humanitarian considerations;That same administrative authority has the discretion to issue residence permits. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. Yes. Article L. 431-2 of the CESEDA establishes the principle that an asylum seeker, after submitting an asylum application to the One-Stop Shop for Asylum Seekers (GUDA) that falls under France's jurisdiction and after being informed by the competent administrative authority of the grounds on which a residence permit may be issued and the consequences of not filing an application on other grounds at this stage, may indicate whether he believes he is eligible for admission to reside on grounds other than asylum and, if so, may file his or her application

			within two months following the information being provided to the GUDA. However, for applicants seeking residence permits for medical treatment, this period is extended to three months. When an application for a residence permit has been filed after the deadline, the application may be accepted and processed only if the applicant cites new circumstances. The concept of new circumstances was clarified by the instruction dated 28 February 2019 on the implementation of the law for managed migration, effective asylum law and successful integration, which specifically mentioned the filing of a complaint regarding human trafficking, contributing to a child's support and education for two years, the onset of a medical condition that meets the severity criteria required for a residence permit for medical treatment, etc. In accordance with this instruction, the competent administrative authority (the Prefecture or Sub-Prefecture of the asylum seeker's place of residence) must rule on the right to remain in French territory as soon as a decision is issued terminating the asylum seeker's right to remain in the country. Consequently, once an application for a residence permit has been filed, the application for a residence permit and the asylum application must be processed simultaneously. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? N/A 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio

			or does the applicant have to apply for it, is there a fee for the application, etc.) N/A 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? A third-country national who believes he or she is eligible for admission to reside in France on grounds other than his or her asylum application may be granted a residence permit based on humanitarian considerations mentioned in Q. 1 (see Q.1 for the legal references for each ground). Thus: A third-country whose admission to reside in French territory is based on humanitarian considerations or is justified by exceptional circumstances that he cites in connection with his or her work or private and family life, is issued a temporary residence permit marked "employee", "temporary worker" or "private and family life" valid for one year;A third-country national whose health condition requires medical care in France and who would be unable to receive appropriate treatment in his or her country of origin, is issued a temporary residence permit marked "private and family life" valid for one year;A third-country of origin who is a parent of a minor third-country national whose health condition requires medical care and who would not be able to receive appropriate treatment in his or her country of origin shall be issue a residence permit valid for a maximum of six months;A third-country national who is the beneficiairy of a protection order, due to domestic violence committed by a current or a former spouse, a former partner bound by a civil partnership, or a former cohabiting partner is issued, as soon as possible, a temporary residence permit marked "private and family life" valid for one year. When a third-country national has filed a complaint against the perpetrator,

			the residence permit is automatically renewed for the duration of the criminal proceedings, including after the protection order has expired. Furthermore, if the defendant is convicted, he or she is issued a ten-year residence permit pursuant to Article L. 425-8 of the CESEDA;A third-country national who is the beneficiary of a protection order, due to a forced marriage, is issued, pursuant to Article L. 425-7 of the CESEDA, a temporary residence permit marked "private and family life" valid for one year; When the defendant is convicted, he or she is issued a ten-year residence permit pursuant to Article L. 425-8 of the CESEDA;A third-country national who has personal and family ties in France is issued, pursuant to Article L. 423-33 of the CESEDA, a residence permit marked "private and family life" valid for one year. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? Additional guidelines have been provided regarding the issuance of a residence permit based on Article L. 435-1 of the CESEDA for situations involving humanitarian or exceptional circumstances, pursuant to the circular of 23 January 2025 concerning exceptional admission to residence: The competent administrative authority's (the Prefecture or Sub-Prefecture of the applicant's place of residence for exceptional admission to residence) assessment of the third-country national's integration, particularly with regard to respect for the principles of the Republic and proficiency in the French language;Preservation of public order: Third-country nationals whose presence in France would pose a threat to public order or who are in a polygamous relationship within the national territory are ineligible for exceptional admission to residence;A failure to comply with an Obligation to leave French Territory (OQTF) order may justify a refusal to issue a temporary residence permit. In this regard, it is up to the third-country national to provide evidence of new factual or legal circumstances that have arisen since the notification of the obligation to leave French territory.

	EMN NCP Germany	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. In Germany, a residence title can be issued on humanitarian grounds outside the scope of the EU regulations. In this case, a residence permit can, for instance, be issued on the basis of a deportation ban (Section 25 (3) of the Residence Act). This can be due to health reasons, family ties or other grounds. Outside the asylum procedure, a residence title can also be granted in other humanitarian circumstances. All these residence titles are issued by the local foreigners' authorities. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. Pursuant to Section 31 (3) of the Asylum Act, the Federal Office for Migration and Refugees (BAMF) determines whether the conditions of Section 60 (5) or (7) of the Residence Act (stipulating grounds for a deportation ban) are met – if it has decided that the asylum application is inadmissible or unfounded. In this case, the BAMF will determine whether a deportation ban applies on the basis of

			Section 60 (5) or (7) of the Residence Act. After the end of the asylum procedure, the foreigner shall be issued a residence title on the basis of Section 25 (3) of the Residence Act. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? N.A. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) The foreigner must file an application for a residence title on the basis of Section 25 (3) of the Residence Act. Foreigners applying for a residence title on the basis of Section 25 (3) of the Residence Act have to pay a fee of EUR 100 for the granting of the residence title. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? The residence permit is issued on the basis of Section 25 (3) of the Residence Act. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are

			needed? A residence permit based on Section 25 (3) of the Residence Act can only be issued if a deportation ban has been established. It cannot be granted if, for instance, there are serious reasons to believe that the foreigner has committed a crime against peace, a war crime or a crime against humanity; if he has committed a serious criminal offence; or if he represents a threat to the general public.
	EMN NCP Greece	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes. According to migration legislation in force (article 134 of Migration Code-l.5038/2023, GG A'81), by decision of the Minister of Migration and Asylum, an ad hoc residence permit for humanitarian reasons may be granted to third-country nationals present in Greece with the right of access to the labour market. This provisions applies in particular to victims and key witnesses of criminal acts, victims of domestic violence, victims of crimes with racist characteristics, victims of workplace accidents, and persons participating in a legally approved therapeutic program for substance dependency, as well as to third-country nationals who, at risk to their own lives, have performed acts of social virtue, contribution, and solidarity that promote humanitarian values. The Minister of Migration and Asylum may refer the case to the competent migration Committee of the Ministry of Migration and Asylum for an opinion. Also, according to par.5 of the above mentioned article, by decision of the Secretary of the Decentralized Administration, a residence permit for exceptional reasons, granting the right of access to the labour market, is issued to third-country nationals who are parents of a minor Greek national and submit evidence substantiating the parental relationship with the child or

			children. The residence permit is issued once, is valid for 3 years and, upon its expiration, the holder may apply to change the residence permit category (e.g. family member of a Greek national). Third-country nationals falling under the scope of this provision are issued an application receipt stating that the issuance of a return decision is precluded for the duration of the time required to process the application. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. Please see answers 1 and 3. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? According to article 121 of l.5307/2026 (GG A'90) regarding the implementing provisions of the Pact on migration and asylum, where an application is rejected (according to the provisions of article 37 of the Regulation 2024/1348: as inadmissible, unfounded or manifestly unfounded with regard to both refugee status and subsidiary protection status, or as implicitly or explicitly withdrawn), the Asylum Service shall issue a return decision according to l.5226/2025 and in accordance with the principle of non-refoulement. The return decision is issued as part of the decision rejecting the application for international protection.

			Moreover article 10 of l.5226/2025 (article 9 of Directive 2008/115 on returns) concerns the postponement of removal of a third country national which shall be mandatory in cases where the principle of non-refoulement is violated, or the removal has been suspended in the context of an appeal. The police authorities responsible for executing the return decision may, by means of a reasoned decision, postpone removal for a reasonable period, taking into account the specific circumstances of each case, and in particular: a) the existence of proven serious health problems of the person concerned that render immediate removal disproportionate or dangerous; b) the inability to effect immediate removal due to an objective impossibility of establishing identity; and c) technical reasons, such as a lack of means of transport. In such a case, the file shall be transmitted to the competent public prosecutor's authority so that it may, at its discretion, initiate criminal proceedings regarding any offenses committed by the third-country national subject to removal. The decision to postpone removal shall be served on the third-country national and constitutes written confirmation that the return decision cannot be enforced temporarily (confirmation of postponement of removal). This confirmation shall be valid for six months and may be renewed following a new assessment regarding the continued impossibility of removal. During the period of validity of the written confirmation, the holder thereof is required to remain at the disposal of the authorities responsible for executing the removal and to cooperate with them so that such removal may be effected within a short time. Finally, article 25 of l.5226/25 refers to protection against return. More specifically, the return of a foreign national is prohibited if they are a minor attending a Greek school at any level of education, or their parents or the persons having custody of them reside lawfully in Greece, b) they are the parent of a Greek minor and hold custody or have a maintenance obligation which they are fulfilling, c) they have exceeded the 80th year of their age, d) they are a minor

			upon whom reformatory measures have been imposed by a decision of the Juvenile Court, for the entire duration of said measures, e) their status as a person of Greek ethnic origin is established, f) they are a victim or a material witness to criminal acts provided for in the Penal Code and come forward to file a complaint or report the incident to the competent police authorities, g) is a victim of domestic violence under the provisions of Law 3500/2006 (A' 232) and presents themselves to file a complaint or report the incident to the competent police authorities. The prohibition on return also applies to pregnant women during pregnancy and for 6 months after childbirth. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) The person concerned may submit, in the procedure of legal migration, an application for a residence permit for humanitarian reasons, as described in answer 1 and no fee is payable for the examination of the relevant application. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? The residence permit granted for humanitarian reasons, as described above, is valid for a period of one (1) year and is renewable for an equal period, provided that the conditions for its issuance continue to be met. Should the grounds for which the residence permit was granted cease to exist, the third-country national may apply for a change of residence permit category as described in Migration Code (article 12).

			6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? A prerequisite for the granting of a residence permit for humanitarian reasons according to the provisions of the Migration Code is the possession of a passport, even if it has expired. A residence permit may also be granted in cases where an objective inability to obtain a passport is established, following a substantiated application by the person concerned and an opinion from the competent migration Committee. Also, supporting documents are submitted, as applicable, substantiating the reason invoked by the applicant.
	EMN NCP Hungary	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes. Section 70 of Act XC of 2023 on the General Rules for the Entry and Residence of Third-Country Nationals provides for a national residence permit for humanitarian purposes, which must be issued in the specific circumstances laid down by law, even where the general residence conditions under the Act are not met. The permit may be issued to stateless persons recognised by Hungary, persons recognised as "befogadott"(tolerated status) under Hungarian law, certain applicants for international or temporary protection, certain children born in Hungary who are left without the supervision of the person legally responsible for them, as well as unaccompanied minors, third-country nationals cooperating with the authorities in criminal investigations under the conditions specified by law, and certain third-country nationals who have been subjected to particularly exploitative employment conditions or who are minors employed without valid authorisation to

			stay. The procedure depends on the statutory ground. In certain cases, issuance is based on a proposal by a competent authority or body, such as a court, prosecutor's office, law-enforcement authority or national security service. In other cases, issuance is linked to the person's legally recognised status or circumstances specified in the Act. The validity period and the possibility of extension depend on the applicable statutory ground. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. Hungary provides for a national form of protection known as tolerated status (“befogadott”), under which a humanitarian residence permit is issued pursuant to Section 70(1)(b) of Act XC of 2023 on the General Rules for the Entry and Residence of Third-Country Nationals. This status may be granted to a third-country national who does not qualify for refugee status or subsidiary protection but cannot be returned because the prohibition of refoulement applies. Procedure: The relevant authority examines whether the prohibition of refoulement applies. If an application for international protection is rejected but the prohibition of refoulement is established, the person may be recognised as a beneficiary of tolerated status. The status may also be recognised where the prohibition of refoulement is established during immigration proceedings. Following recognition, a humanitarian residence permit is issued pursuant to Section 70(1)(b) of Act XC of 2023, in conjunction with Section 104 of the Act.

			This status is distinct from subsidiary protection, which is granted to persons who do not qualify as refugees but who would face a real risk of serious harm if returned to their country of origin and who cannot or, owing to that risk, will not avail themselves of that country's protection. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? See Q2. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) See Q2. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? See Q1.

			6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? See Q1.
	EMN NCP Italy	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Within the procedure for international protection, where the Territorial Commission rejects the application for asylum or subsidiary protection, it assesses ex officio whether the prohibitions of expulsion or refoulement laid down in Article 19 of Legislative Decree No. 286/1998 apply (e.g. risk of persecution, torture, inhuman or degrading treatment, or serious illnesses that cannot be treated in the country of origin). It then forwards the case file to the Questore (Head of the Provincial Police Headquarters) for the issuance of a residence permit for "Special Protection" or for "Medical Treatment". Through an autonomous/ordinary administrative procedure, the foreign national may apply directly to the Questura (Provincial Police Headquarters) for specific national residence permits where certain personal or social requirements are met (e.g. for medical treatment, calamity, social protection or assistance to minors). 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please

			explain the procedure. During the examination of the application for international protection, where the Territorial Commission considers that the conditions for granting refugee status or subsidiary protection are not met, it ascertains ex officio whether the removal of the foreign national is precluded by the non-derogable prohibitions of expulsion/refoulement set out in Article 19(1) and (1.1) of Legislative Decree No. 286/1998 (risk of persecution on grounds of race, sex, sexual orientation, religion or political opinion, or risk of torture or inhuman treatment), or in Article 19(2)(d-bis) (particularly serious health conditions that cannot be adequately treated in the country of origin). Where it identifies such impeding circumstances, the Commission does not adopt a return decision; instead, it forwards the case file directly to the Questore for the issuance of a residence permit for "Special Protection" (valid for two years) or for "Medical Treatment". In the course of the examination, the Territorial Commission may request additional information from the Questore or report any relevant situations to the Public Prosecutor's Office at the Juvenile Court (e.g. for the purposes of Article 31(3) of the Consolidated Immigration Act – TUI). 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? The Italian legal system takes such circumstances into account both within the procedure for international protection and through autonomous administrative and judicial channels. Where the circumstances precluding return arise outside the asylum procedure or following its final rejection: The foreign national may submit a direct application to the Questura for the issuance of a

			residence permit for medical treatment (Article 19(2)(d-bis) TUI) or for calamity (Article 20-bis TUI). Social protection / special cases pathways (Articles 18, 18-bis and 18-ter TUI) may be activated for victims of trafficking, domestic violence or serious labour exploitation. At the stage of enforcement of return, the Public Security Authority and the Judicial Authority are in any case required to ascertain whether the non-derogable prohibitions of expulsion laid down in Article 19 TUI, which preclude forced removal, apply. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) The Italian legal system provides for two methods of activation and submission: Upon application by the person concerned: the foreign national submits the application directly to the competent Questura, providing suitable documentation (for example, for medical treatment, a medical certificate issued by a public health facility or by a doctor affiliated with the National Health Service (SSN), attesting to the particularly serious illness). Ex officio / on proposal by other authorities: in cases of social protection (victims of trafficking or violence), the procedure is initiated on the proposal of the Public Prosecutor, the social services of local authorities or accredited anti-violence centres; in cases of assistance to minors (Article 31(3) TUI), the application follows a formal authorisation order issued by the Juvenile Court. As regards financial charges and contributions: pursuant to Article 5(2-ter) of Legislative Decree No. 286/1998, the issuance and renewal of residence permits for medical treatment, social protection, calamity and special protection are expressly exempt from payment of the extraordinary financial contribution required for residence permits, remaining subject only to the actual document production costs and ordinary revenue stamps. 5. In case a residence permit can be granted to an applicant for international protection based

			on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? In the presence of the individual circumstances described, the main types of residence permits that may be issued are: Residence permit for "Special Protection": valid for two years and renewable subject to the opinion of the Territorial Commission; it allows the holder to work; Residence permit for "Medical Treatment": issued for the duration indicated in the medical certificate (not exceeding 1 year), renewable as long as the very serious health conditions persist; it allows the holder to work; Residence permit for "Calamity": issued for 6 months (renewable for a further 6 months) where the country of origin is experiencing a contingent and exceptional calamity; it allows the holder to work; Residence permit for "Special Cases" (Social Protection, Domestic Violence, Labour Exploitation): issued for 1 year and renewable for one year or for the longer period required to complete social and labour integration measures or for reasons of justice; it allows access to study, assistance and work, and may be converted into a work permit; Residence permit for "Assistance to Minors" (Article 31(3) TUI): issued for the duration set by the Juvenile Court to protect the minor's psychophysical development; it allows the holder to work and is convertible. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? In proceedings arising from international protection or in cases of prohibition of expulsion, the impossibility of applying for a passport from the authorities of the country of origin does not prevent the issuance of the permit. In such cases, the permit is accompanied by a personal certificate issued by the Questura or by a travel document for foreigners. All the types

			mentioned allow the holder to work. However, following the amendments introduced by Decree-Law No. 20/2023 ("Cutro Decree"), permits for special protection (issued on applications submitted after 5 May 2023, without prejudice to the transitional rules for earlier applications) and for calamity can no longer be converted into work permits; permits for special cases (social protection/violence/exploitation) and for assistance to minors, by contrast, remain freely convertible into work permits. Furthermore, holders of such permits are entitled to registration with the National Health Service (or to urgent and essential care) and to priority access to the facilities of the Reception and Integration System (SAI), within the limits of available places.
	EMN NCP Latvia	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes. According to the Immigration Law, Latvia may issue a temporary residence permit if it complies with the norms of international law, the interests of the State, or is related to reasons of a humanitarian nature. To obtain this permit, the applicant must submit a specific, motivated request alongside supporting documentation outside of the standard asylum process. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure.

			No. In Latvia, the international protection procedure strictly evaluates criteria for refugee status and subsidiary protection. If an application does not meet the grounds for either status, it is rejected, and a return decision is issued simultaneously. It should be emphasised that when issuing this return decision, the principle of non-refoulement is subject to an enhanced and strict assessment. A national residence permit on humanitarian grounds cannot be granted directly within the asylum procedure. A national residence permit on humanitarian grounds cannot be granted directly within the asylum procedure. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? Yes. If an applicant's return is prevented, Immigration Law dictates that a third country national shall not be removed if the expulsion is inconsistent with Latvia's international commitments, ensuring the principle of non-refoulement. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) The applicant must submit a motivated application requesting a temporary residence permit based on humanitarian grounds. Standard state fees apply for the examination of residence permit documents.

			A temporary residence permit on humanitarian grounds is assessed only in cases where it has been verified that no other grounds for residence mentioned in the Immigration Law are applicable to the person. A temporary residence permit can be granted up to 3 years. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? A temporary residence permit is issued. The granted period is directly tied to the expected duration of the specific humanitarian circumstance (such as the length of a required medical treatment or the ongoing nature of a vulnerability). Temporary residence permit is granted on humanitarian grounds: 1) by the Minister of the Interior, if granting the permit is in the interests of the State of Latvia; 2) by the Head of the Office of Ctizienship and Migration Affairs, if granting the permit is in accordance with international legal norms or is related to humanitarian considerations; 3) with regard to citizens of the Russian Federation and the Republic of Belarus — by the Minister of the Interior, if granting the permit is in accordance with international legal norms or is related to humanitarian considerations. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed?

			Person requesting a permit due to humanitarian considerations must submit supplementary documents explicitly certifying the specific humanitarian circumstances of exceptional gravity necessitating their continued residence in Latvia (e.g., severe medical conditions, vulnerability). "Humanitarian considerations" are applicable in exceptional cases; namely, these are special circumstances involving severe personal emotional distress or significant physical pain experienced directly by the individual.
	EMN NCP Lithuania	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes. Article 40(1)(8) of the Law on the Legal Status of Foreigners provides a common legal basis for issuing a temporary residence permit in several situations where a foreigner cannot be returned or leave Lithuania. It covers unaccompanied minors who are not returned; foreigners who cannot leave Lithuania for humanitarian reasons under Article 130^1; foreigners who cannot be returned or expelled because of the principle of non-refoulement under Article 130(1) or (2), including risks of persecution, torture or inhuman or degrading treatment; and foreigners whose expulsion cannot be carried out for practical or medical reasons. In the latter case, the execution of an expulsion decision is suspended where the country of destination refuses to admit the person, the person requires necessary medical assistance, or expulsion is impossible due to objective circumstances, such as the absence of a valid travel document or inability to obtain travel tickets (Article 128(2)(2)–(4)). If these circumstances persist for one

			year and the foreigner is not detained, a temporary residence permit is issued under Article 132. The procedure depends on the particular ground. Where the relevant circumstances are established in the course of the asylum procedure, the Migration Department may decide to refuse international protection and issue a temporary residence permit unrelated to the granting of asylum. In other cases, the relevant circumstances may be established in connection with the return or expulsion procedure or on the basis of documents submitted by the foreigner. In assessing the grounds for an Article 40(1)(8) permit, the Migration Department may rely on documents collected in the asylum or return/expulsion procedure, as well as documents submitted by the foreigner. Dėl Leidimų laikinai gyventi Li… 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. Yes. Where, in the course of the international protection procedure, it is established that the applicant does not qualify for international protection but falls within one of the circumstances specified in the asylum procedure that prevent their departure, return or expulsion, the Migration Department takes a single decision refusing asylum and issuing a temporary residence permit unrelated to the granting of asylum. This applies where the applicant is an unaccompanied minor who is not returned, cannot leave Lithuania for humanitarian reasons, or cannot be returned or expelled because of the non-refoulement grounds provided for in Article 130(1) or (2) of the Law on the Legal Status of Foreigners.

			The relevant circumstances are therefore assessed as part of the asylum procedure, rather than in a separate subsequent procedure for determining the person's legal status. The residence permit itself is subsequently issued in accordance with the procedure governing temporary residence permits. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? N/A. See the response to Q2. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) N/A. See the response to Q2. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? In the circumstances covered by this query, the type of residence document issued is a temporary residence permit, principally on the basis of Article 40(1)(8) of the Law on the Legal Status of Foreigners.

			A temporary residence permit is issued where an applicant who does not qualify for international protection cannot leave Lithuania for humanitarian reasons, cannot be returned or expelled because of the principle of non-refoulement under Article 130(1) or (2), or is an unaccompanied minor who is not returned. These circumstances may be established as part of the asylum procedure, as described in the response to Q2. A temporary residence permit may also be issued at a later stage where an expulsion decision cannot be executed. Where execution has been suspended because the country of destination refuses to admit the person, the person requires necessary medical assistance, or expulsion is impossible due to objective circumstances, and these circumstances persist for one year and the foreigner is not detained, a temporary residence permit is issued under Article 40(1)(8) in conjunction with Article 132. The permits referred to above are valid for up to one year. The foreigner has the right to work during the validity of a permit issued under Article 40(1)(8). 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The supplementary information and evidence required depend on the specific ground for issuing the temporary residence permit. Where the permit is considered in connection with the asylum procedure, the relevant circumstances are assessed on the basis of the information and documents collected during that procedure. For the purposes of Article 40(1)(8), the assessment may also rely on documents collected when adopting or implementing a return or expulsion decision, as well as documents submitted by the foreigner.

			In cases based on humanitarian reasons under Article 130^1, it must be established why the foreigner is unable to leave Lithuania. The Law defines humanitarian reasons as illness or another acute health disorder or medical condition, a personal reason which the foreigner could neither foresee nor avoid, or force majeure preventing departure. Where the foreigner applies for a temporary residence permit on this ground, the relevant reason must be indicated and explained in detail. In cases based on non-refoulement, it must be established that the conditions laid down in Article 130(1) or (2) are met, i.e. that return or expulsion would expose the person to a threat to life or liberty or persecution on the grounds specified in the Law, or that there are substantial grounds for believing that the person would face torture or cruel, inhuman or degrading treatment or punishment. For an unaccompanied minor, it must be established whether appropriate reception and care, taking account of the minor's needs, age and degree of independence, are available in the country of return. An unaccompanied minor may be returned only where such arrangements are available; if the minor is not returned, a temporary residence permit is issued. Where an expulsion decision has already been adopted but cannot be executed, the required evidence depends on the obstacle to expulsion. If the obstacle is medical, the need for necessary medical assistance must be confirmed by a medical consultative commission of a health-care institution. In other cases, it must be established that the country of destination refuses to admit the foreigner or that expulsion is impossible due to objective circumstances, such as the absence of a valid travel document or inability to obtain travel tickets. For a temporary residence permit to be issued under Article 132, the relevant circumstances must have persisted for one year from the suspension of execution of the expulsion decision and the foreigner must not be detained.

	EMN NCP Luxembourg	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. In Luxembourg, article 78 (3) of the amended law of 29 August 2008 on the free movement of persons and immigration (Immigration Law) authorises the Minister in charge of Immigration and Asylum to grant a residence permit on personal grounds, provided that the third country national does not constitute a threat to public policy, public health or public security. Such a permit may be granted on humanitarian grounds of exceptional gravity or for exceptional reasons. The application is inadmissible if it is based on grounds that were invoked in a previous application rejected by the Minister. The application must be submitted from Luxembourg territory, otherwise it will be inadmissible. Where a residence authorisation is granted, any previously issued return decision is annulled 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. NO. All these procedures are regulated by the Immigration Law and not by the amended law of 18 December 2015 on international protection and temporary protection (Asylum Law). Accordingly, where an application for international protection is rejected, the rejected

			applicant is transferred to the return procedure which is regulated by the Immigration Law. It is within this framework that that the authorities assess whether any circumstances prevent the issuing of a return decision. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? YES. N/A. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) Article 125bis of the Immigration Law expressly provides that, where a foreign national demonstrates that they are unable to leave the territory for reasons beyond their control, or that they are unable either to return to their country of origin or to travel to another country, the Minister may postpone their removal for a period determined on the basis of the circumstances of the individual case. The postponement may remain in effect until there is a reasonable prospect that the removal obligation can be enforced. During this period, the foreign national may remain temporarily in Luxembourg, without being authorised to reside there. The decision to postpone removal may be accompanied by other, less coercive measures, such as house arrest, the provision of a financial guarantee, or the surrender of travel documents. Under Article 125bis(2), a foreign national whose removal has been postponed is entitled to humanitarian assistance, as defined in Article 27 of the Law of 18 December 2009 organising

			social assistance. Minors may access the basic education system, depending on the length of their stay. Family unity with family members present in Luxembourg must be maintained as far as possible. The specific needs of vulnerable persons must also be taken into account, including those of minors, unaccompanied minors, persons with disabilities, pregnant persons, single parents accompanied by minor children, victims of torture, rape, or other serious forms of psychological, physical, or sexual violence, and elderly persons. Finally, Article 125bis(3) allows the Minister, upon request, to grant the beneficiary of a postponement decision a temporary work authorisation for the duration of the postponement. The authorisation is subject to the conditions applicable to a residence permit for salaried employment and is valid for a specified employer and a single occupation. Article 130 further provides that, provided the foreign national does not pose a threat to public policy or public security, they may not be removed from the territory if they demonstrate, through medical certificates, that their state of health requires medical treatment and that the absence of such treatment would have exceptionally serious consequences. They must also establish that appropriate treatment is not practically available in the country to which they would likely be removed. Under Article 131(1), the third-country national may obtain a postponement of removal for an initial period of up to six months. This postponement may be renewed, but its total duration may not exceed two years. If, at the end of that two-year period, the foreign national demonstrates that the relevant medical condition persists, they may be granted a residence authorisation on medical grounds for the duration of the treatment, up to a maximum of one year. Where appropriate, the authorisation may be renewed following a reassessment of their situation.

			5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? See answer to Q1 and Q4. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? See answer to Q1 and Q4.
	EMN NCP Netherlands	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. The legislation in the Netherlands foresees a national residence permit (not based on EU regulations) which is issued on humanitarian grounds. Such a residence permit can be issued ex officio when a decision is made on an application for international protection or it can be obtained by submitting an application. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please

			explain the procedure. YES, in some situations. As is provided for in article 3.6a, 3.6b and 3.6ba of the Alien Decree (2000), if the initial application for international protection is denied, a temporary regular residence permit may still be granted ex officio (1). The same procedure as described by Finland in the background information of this ad-hoc querie applies. If there are no grounds for international protection, an analysis is made whether there are temporary reasons, beyond the control of the applicant for international protection, which make return not possible. All these analyses will appear in the same decision document. ^Aliens Decree (2000), https://wetten.overheid.nl/BWBR0011825/2026-06-12/0#Hoofdstuk3_Afdeling2_Paragraaf1_Sub-paragraaf3_Artikel3.6a, last accessed on 30 September 2026. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? N/A 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) N/A

			5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? A temporary regular residence permit can be issued to these individuals, based on (2) Victim of human trafficking or witness reporting to the policeAn individual who is not able to file a report or collaborate in another way with the criminal investigation and prosecution of the human trafficker because of important reasons.Article 8 of the European Convention on Human Rights (ECHR),(Artikel 3.13 t/m 3.22a van het Vreemdelingenbesluit 2000 en paragraaf B7/3.8 van de Vreemdelingencirculaire 2000.) {3}Harrowing situations (4)Medical treatment (5)^ Immigration and Naturalisation Service, Other residence permits, https://ind.nl/en/residence-permits/other-residence-permits/other-residence-permits#temporary-humanitarian-, last accessed on 30 September 2026. ^ Immigration and Naturalisation Service, Residence permit article 8 ECHR family life, https://ind.nl/en/residence-permits/family-and-partner/residence-permit-article-8-echr-family-life, last accessed on 30 September 2026. ^ Immigration and Naturalisation Service, Residence permit in case of harrowing situations, https://ind.nl/en/about-us/background-articles/residence-permit-in-case-of-harrowing-situations, last accessed on 30 September 2026. ^ Immigration and Naturalisation Service, Residence permit medical treatment, Residence permit medical treatment | IND, last accessed on 30 September 2026 ^ Immigration and Naturalisation Service, Other residence permits, https://ind.nl/en/residence-

			permits/other-residence-permits/other-residence-permits#non-temporary-humanitarian-, last accessed on 30 September 2026. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The supplementary clarifications needed in order to grant a residence permit described in Q5 depend on the grounds for granting the permit. For example: a police report regarding human trafficking and or a report on cooperation with the criminal proceedings relating to human trafficking from the police or the Royal Netherlands Marechaussee A dated and signed written declaration from a medical practitionerDocuments to substantiate more than normal emotional ties in case of article 8 ECHR
	EMN NCP Poland	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. It is called 'a residence permit on humanitarian grounds' and it is examined by the Border Guard in a return procedure, after getting a negative decision in international protection procedure. A residence permit on humanitarian grounds is a national form of protection for third-country nationals and stateless persons against the consequences of a return obligation—where such consequences would be inconsistent with the Republic of Poland's obligations under

			international law. In specific situations defined by law, it enables a foreign national who would otherwise be required to leave Polish territory, whether voluntarily or forcibly, to remain in the country. A residence permit on humanitarian grounds serves a complementary role to other forms of protection granted to foreign nationals, such as refugee status, subsidiary protection, temporary protection, or asylum. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. NO. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? YES. See the answer for Q1. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.)

			A residence permit on humanitarian grounds is not granted upon the foreign national's application. Instead, it is considered ex-officio within the framework of the return procedure, once the Border Guard authority becomes aware of the relevant circumstances. It is examined mainly after the negative decision in the international protection procedure, but also humanitarian grounds are taken into account in the return procedure of TCNs, who stays in Poland illegally. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? In such case a document (a plastic card) called the same as the residence title – 'Residence permit on humanitarian grounds' is issued. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? A foreigner is granted permission to stay in the territory of the Republic of Poland on humanitarian grounds if requiring them to return: 1) could only take place to a country where, within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950: a) their right to life, liberty, and security of person would be threatened, or b) they could be subjected to torture or to inhuman or degrading treatment or punishment, or c) they could be forced to perform labour, or d) they could be deprived of the right to a fair trial or punished without a legal basis, or

			2) would violate their right to family or private life, within the meaning of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950, or 3) would violate the rights of the child, as defined in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, to a degree that significantly threatens their psychophysical development.
	EMN NCP Serbia	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES In accordance with the provision of Article 61 of the Law on Foreigners ("Official Gazette of the RS", Nos. 24/2018, 31/2019, and 62/2023), temporary residence may be granted to a foreigner meeting general criteria for the temporary residence, and when other circumstances exist that require special consideration in relation to: 1) His family, cultural or social ties with the Republic of Serbia, recent level of integration of the foreigner in the society of the Republic of Serbia, particularly with regard to his education, work activities or language skills; 2) Delay of forced removal of a foreigner referred to Article 84 of this Law, over the period of one year or longer; 3) A foreigner who is a victim of serious criminal offence, including persons who have been involved in the action to enable irregular migration and who cooperate with the police and the judiciary, and his presence is necessary in the criminal proceedings or he is participating in an investigation as witness or plaintiff; 4) A minor foreigner who has been abandoned, who is a victim of organised crime or has for

			other reasons lost parental care or company; 5) Serious and legitimate personal reasons of humanitarian nature, existing interests of the Republic of Serbia or international commitments made. The competent authority shall approve temporary residence for humanitarian reasons also if they determine that the circumstances based on which the application was made are founded, even if the general criteria for temporary residence have not been met for legitimate reasons. Temporary residence for humanitarian reasons shall be granted for a minimum of six months and a maximum of one year and may be extended, if the circumstances that the temporary residence was based on still exist. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. NO 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? NO Within the procedure for determining the right to asylum, there is no parallel procedure in the

			Republic of Serbia on the basis of which a person can be granted residence in the Republic of Serbia on any other grounds. Based on the Law on Asylum and Temporary Protection, a foreigner who submits an application for asylum has a guaranteed right to residence until a final decision is rendered. In the event of a negative decision on the submitted asylum application, the foreigner is ordered to leave the Republic of Serbia within 15 days from the date the decision becomes final, provided they have no other grounds for residence. Upon the issuance of a final asylum decision, the provisions of the Law on Foreigners shall apply, including those governing temporary residence on humanitarian grounds. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) N/A 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? N/A 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed?

			N/A
	EMN NCP Slovakia	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Slovak legislation does not provide for a national residence permit issued on humanitarian grounds within the framework of the international protection procedure. However, Slovak legislation recognises certain forms of national status, namely humanitarian asylum. Humanitarian asylum is not a residence permit but a form of national protection granted under the Act on International Protection. A person granted humanitarian asylum is considered a foreign national who has been granted permanent residence under Slovak law. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. Within the international protection procedure, the Slovak Republic does not grant a residence permit where an applicant does not qualify for international protection but cannot be returned. The possible outcomes of the international protection procedure are the granting or refusal of: asylum,subsidiary protection,humanitarian asylum as a national status, where the conditions laid down in the Act on International Protection are met.A separate residence permit is not issued within the international protection procedure. Where humanitarian asylum is granted,

			the person is considered to have been granted permanent residence under Slovak law. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? The return procedure in the Slovak Republic is separate from the international protection procedure and is governed by separate legislation. Where no form of protection is granted within the international protection procedure, whether international protection (asylum or subsidiary protection) or a national status (such as humanitarian asylum), and the negative decision becomes final and enforceable, the case is transferred ex officio to the competent authority – Bureau of Border and Foreign Police of the Police Force Presidium. Within the return procedure, the competent authority assesses the individual circumstances of the case, including circumstances that may prevent return, and determines the appropriate legal regime applicable to the person concerned. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) Following a final and enforceable negative decision on an application for international protection, the applicant is transferred ex officio to the competent authority - Bureau of Border and Foreign Police of the Police Force Presidium.

			The competent authority subsequently assesses the individual circumstances of the case and determines whether the legal conditions are met for: administrative expulsion,granting tolerated residence, orgranting temporary protection.The authority takes into account all relevant factual and legal circumstances of the individual case, including any obstacles to return. The choice of procedure depends on whether the legal conditions for a particular status or measure are fulfilled. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? Within the international protection procedure itself, no residence permit is granted on the basis of obstacles to return. Where protection is granted under the Act on International Protection, asylum, subsidiary protection or humanitarian asylum (national status) may be granted. A person granted humanitarian asylum is considered a foreign national who has been granted permanent residence under Slovak law. Outside the international protection procedure, within the framework of return and residence legislation, the competent authority may, depending on the circumstances of the case, grant tolerated residence. In specific situations defined by law, temporary protection may also be provided.

			6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The competent authority assesses the individual circumstances of each case and establishes all facts relevant to determining whether the legal conditions for the respective status are fulfilled. Depending on the procedure, this may include: the existence of legal or practical obstacles to return; the identity and nationality of the person concerned; the availability of travel documents; humanitarian, personal or family circumstances; security-related considerations; any other facts relevant under the applicable legislation. The specific scope of the assessment depends on the type of status or measure being considered.
	EMN NCP Slovenia	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? No. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. No.

			3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? Yes. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) If the foreign national's return is not possible in accordance with the principle of non-refoulement, the police shall, either on their own initiative or at the foreign national's request, initiate proceedings to grant permission to remain. Permission to remain shall be granted to the foreign national for a maximum of six months and may be extended on the police's own initiative for as long as the grounds referred to in the previous paragraph persist. Removal from the country is not permitted until the decision on the authorisation to remain becomes final. The police shall issue a permit to remain in the Republic of Slovenia to a foreign national who has been granted authorisation to remain. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals?

			Permission to remain. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? In order to determine the grounds for granting permission to remain on the basis of the principle of non-refoulement, the police may request from the Ministry responsible for home affairs the general and specific information on the foreign national's country of origin and the notification of the administrative decision or ruling issued in the international protection procedure.
	EMN NCP Spain	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? YES. In accordance with Article 31 of Organic Law 4/2000 of 11 January on the Rights and Freedoms of Foreign Nationals in Spain and their Social Integration (Immigration Act), the competent authorities may issue residence authorisations under exceptional circumstances, including on humanitarian grounds. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please

			explain the procedure. According to the Asylum Act (Law 12/2009, of 30 October), the non-admission for processing or rejection of applications for international protection shall, as appropriate, result in the return, refusal of entry, expulsion, compulsory departure from Spanish territory, or transfer to the territory of the State responsible for examining the asylum application of the persons concerned, unless, in accordance with Organic Law 4/2000 of 11 January (Immigration Act) and its implementing legislation (Immigration Regulation), one of the following situations applies: a) the person concerned meets the requirements to remain in Spain under a stay or residence status; b) the person's stay or residence in Spain is authorised on humanitarian grounds as provided for in the applicable legislation. In this regard, Article 128 of the Immigration Regulation provides that a residence authorisation on humanitarian grounds may be granted, inter alia, to persons whose stay in Spain has been authorised under asylum legislation (humanitarian grounds linked to international protection). However, from 12 June 2026, the date on which the Pact on Migration and Asylum enters into application, temporary residence permits granted on humanitarian grounds linked to international protection will no longer be recognised or renewed, regardless of when the application was lodged. This measure implements Article 2 of Regulation (EU) 2024/1347, as this status may create confusion with international protection. Henceforth, following a negative decision on an application for international protection, the competent authority may grant residence permits on grounds other than the granting of such protection. As a transitional measure, Royal Decree 316/2026 provides that persons already holding this type of residence permit may apply for its conversion into other residence and work

			authorisations. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? N/A. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) N/A. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? - Within the international protection (IP) procedure • Only an international protection status may be granted: refugee status or subsidiary protection status. As of 12 June 2026, temporary residence on humanitarian grounds (as provided for in Articles 37(b) and 46(3) of Law 12/2009) is no longer granted as an outcome of the international protection procedure. - In a separate procedure (following a negative decision on an application for international

			protection) The competent authority may grant residence permits on grounds other than international protection under the immigration framework. The available categories are: 1. Temporary residence authorisation on exceptional grounds for humanitarian reasons (Article 128). The Article provides for the following individual situations: o Victims of certain criminal offences, including offences against workers' rights, hate crimes or discrimination, and domestic violence. A final judicial decision recognising the person's status as a victim is required. o Serious illness arising in Spain requiring specialised medical treatment that is unavailable in the country of origin, supported by a medical report. The authorisation may also be extended to the parent or legal guardian of a minor. o Risk to the applicant's own safety or that of their family if required to return to their country of origin to apply for a visa, provided that all other requirements for a temporary residence permit or a residence and work permit are met. 2. Temporary residence authorisation on exceptional grounds for cooperation with authorities, reasons of national security, or public interest (Article 129). 3. Temporary residence authorisation on exceptional grounds based on arraigo (Article 124 et seq.), provided that the relevant requirements are fulfilled. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The granting of these permits is subject not only to the applicant's individual circumstances but also to compliance with specific requirements depending on the legal ground invoked. For permits granted on humanitarian grounds, applicants must provide, as applicable, a final judicial decision recognising their status as victims, a medical report issued by the competent health authority certifying a serious illness contracted in Spain for which appropriate treatment is not accessible in the country of origin, or evidence that returning to the country

			of origin to apply for a visa would pose a risk to the safety of the applicant or their family. For permits granted on the grounds of cooperation with the authorities, public interest or national security, applicants must demonstrate such cooperation or the existence of the relevant grounds, supported, where appropriate, by the corresponding judicial or administrative decision, including in cases involving cooperation with the labour authorities. In the case of arraigo, applicants must demonstrate that the international protection procedure has been conclusively terminated, that they have resided continuously in Spain for at least two years (excluding the period during which the application for international protection was under examination), that they have no criminal record and do not pose a threat to public policy, and that the corresponding administrative fee has been paid.
	EMN NCP Sweden	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? Yes. Chapter 5 Section 6 of the Aliens Act allows for a residence permit to be granted on the grounds of particularly distressing circumstances, which can include health reasons, ties to the country or family members in the country (including article 8 of the ECHR or article 21 of the Treaty on the Functioning of the European Union) or other humanitarian grounds. There is also a possibility to grant a residence permit according to Chapter 12 Section 18 of the Aliens act in cases where there are medical or other humanitarian reasons that constitute an impediment to enforcement of a return decision. Whereas Chapter 12 Section 18 of the Aliens Act can be applied either ex officio by the Swedish Migration Agency (SMA) or by request from the individual concerned, Chapter 5 Section 6 of the Aliens act requires an application from the individual in question.

			2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. The EU Pact on Migration and Asylum has brought substantial changes to the Swedish asylum procedure. Previously, an application for asylum in Sweden was part of an application for a residence permit, which included assessing humanitarian grounds in accordance with Chapter 5 Section 6 of the Aliens Act. As a consequence of the Pact, applying Chapter 5 Section 6 of the Aliens Act has become a separate procedure from the procedure for applying for international protection. Humanitarian grounds will therefore, as such, not be assessed as part of the international protection procedure. However, if during the international protection procedure, the SMA finds there are circumstances that could prevent issuing a return decision in accordance with art. 37 of the APR, the SMA will request the applicant to apply for a residence permit. Such circumstances can for instance be that the applicant is legally present in Sweden due to a derived right of residence in accordance with article 21 of the Treaty on the Functioning of the European Union, that it would be in breach of Sweden’s international obligations according to article 8 of the ECHR to return the applicant, or that the applicant has a pending application for extending a previous residence permit. In these cases, if the applicant applies for a residence permit, the SMA can reject the application for international protection but grant a residence permit according to Chapter 5 Section 6 of the Aliens Act, due to there being circumstances that prevent a return decision. The SMA will then, consequently, decide not to issue a return decision in accordance with article 37 of the APR.

			If, in the above situation there is a previous return decision that is still valid, the SMA will conclude the procedure for international protection by rejecting the application for international protection and not issue a return decision in accordance with art. 37 APR, as a return decision has already been issued. The decision on the application for international protection will in this case include information on the fact that the issue of whether there are grounds to grant a residence permit based on the fact that returning the applicant would be in breach of, for example, Sweden's international obligations in accordance with 8 of the ECHR or non-refoulement (for non-protection related reasons, such as medical reasons), will be assessed in a separate procedure and in accordance with Chapter 12 Section 18 of the Aliens Act. As for situations when an applicant for international protection, on his or her own motion, has also applied for a residence permit based on, for example, family ties in Sweden, this latter application will not be assessed as part of the international protection procedure. Furthermore, as the general rule is that a person who applies for a residence permit should apply and be granted a permit before entering Sweden (according to Chapter 5 Section 18 of the Aliens Act), certain criteria will need to be fulfilled in order for the SMA to be able to grant a permit when the application that has been made after entering the country, such as strong family ties that make it unreasonable to expect the applicant to leave the country in order to apply for a residence permit. The issue of whether the SMA should coordinate its procedures so that the decision in the international protection procedure and in the procedure for a residence permit can be made simultaneously, but in separate procedures, has yet to be resolved in Sweden. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection?

			Please, see the previous answer. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) For the SMA to assess grounds for a residence permit in accordance with Chapter 5 Section 6 of the Aliens Act (when there is no previous return decision regarding the individual), the applicant is required to apply for a residence permit. Even though there are few legal requirements as to the formalities of such an application, in general the application is made in writing using a certain form. Grounds for a residence permit based on impediments to enforce a return decision can be assessed by the SMA ex officio. The issue of whether the applicant is obliged to pay a fee in order to apply for a permit in accordance with Chapter 5 Section 6 of the Aliens Act, corresponding with the fee that an applicant, that has not applied for international protection, is required to pay in order to apply for a residence permit, has not yet been resolved in Sweden. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? A residence permit granted on the grounds of Chapter 5 Section 6 of the Aliens Act is valid for 13 months at the first decision. If the permit is extended, every extension has a validity of 2 years. The residence permit also includes a permit to work in Sweden. Residence permits granted according to Chapter 12 Section 18 of the Aliens Act are valid for 13 months at the first decision, and every extension has a validity of 12 months. These permits also include a permit to work in Sweden.

			6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? The burden of proof lies on the applicant to provide the facts and evidence to support a claim for a residence permit in accordance with Chapter 5 Section 6 of the Aliens Act. This includes identity documents, medical certificates, proof of family ties in Sweden etc. As for Chapter 12 Section 18 of the Aliens Act, the applicant will not have to apply in order for this provision to be applied as it can be applied by the SMA ex officio, but the evidentiary threshold is rather high in that the SMA needs to be able to conclude that the circumstances in the case imply that there is an impediment to enforcement of the return decision.
	EMN NCP Ukraine	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? No 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. No

			3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? No. A person has the right to appeal a negative decision in court. A person who has received a court notice confirming a decision to deny the processing of documents to determine whether they qualify as a refugee or a person in need of subsidiary protection, or to recognize them as a refugee or a person in need of subsidiary protection, or a decision to revoke or terminate their refugee status or subsidiary protection, or the revocation of a decision recognizing them as a refugee or a person in need of subsidiary protection, must leave the territory of Ukraine within the established time limit, unless they have other lawful grounds for staying in Ukraine. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) - 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals?

			A temporary residence permit is not issued. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are needed? -
	EMN NCP United Kingdom	**Yes**	1. Does the legislation in your EMN Member or Observer Country foresee a national residence permit (not based on EU regulations) which is issued on humanitarian grounds, e.g. vulnerability, health reasons, or ties to your country? YES/NO If you answer yes, in what kind of process can such a residence permit be obtained? NO. The UK does not routinely grant a residence permit within the asylum procedure solely because a return decision cannot be issued. Instead, it considers whether another immigration status should be granted; if not, the person may remain subject to immigration control while removal is not currently possible. 2. Does your country grant a residence permit to the AIP within the international protection procedure (or simultaneously with it) in a situation, where the application for international protection does not contain grounds to grant international protection, but there are circumstances that prevent issuing a return decision? YES/NO. If you answer yes, please explain the procedure. The UK does not normally grant a residence permit (permission to stay) within the international protection procedure solely because there are practical or temporary obstacles to return. If an applicant does not qualify for refugee status or humanitarian protection, the Home Office will consider whether they qualify for leave to remain on another basis, such as

			human rights grounds (for example, Article 8 ECHR) or discretionary leave. If the applicant does not qualify for another form of leave, the fact that return cannot currently be effected does not automatically result in a grant of permission to stay. Instead, the individual may remain subject to immigration control while the obstacle to return persists and may be eligible for limited support arrangements. For unaccompanied asylum-seeking children, a limited form of leave (UASC leave) may be granted where a protection claim is refused but safe and adequate reception arrangements are not available in the country of return. 3. If your country does not consider and grant other types of residence permits within the international protection procedure in situations addressed in Q2, is there another procedure in which these individual circumstances preventing return are taken into consideration? YES/NO. If you answer no, what happens to the applicant after the negative decision on the application for international protection? In the UK, where an asylum applicant does not qualify for refugee status or humanitarian protection, the Home Office may consider whether they qualify for permission to stay on another basis. This consideration takes place after the protection claim has been assessed. The principal alternative routes are 1. Human rights leave Decision makers consider whether removal would breach the UK's obligations under the European Convention on Human Rights (ECHR), including: Article 8 (right to respect for private and family life)Other relevant ECHR provisions where applicableHome Office guidance states that, after refusing refugee status and humanitarian protection, decision makers must consider Article 8 and related human rights issues. 2. Discretionary leave Where an individual does not qualify under the Immigration Rules but there are compelling

			circumstances, decision makers may consider whether discretionary leave should be granted. The guidance specifically provides that, after considering humanitarian protection and Article 8, decision makers should consider whether the claimant qualifies for discretionary leave on another basis, including other ECHR grounds. 4. If you answer yes to Q3, please explain the procedure (e.g. is the application filed ex-officio or does the applicant have to apply for it, is there a fee for the application, etc.) Where a protection claim is refused, the Home Office will consider whether the applicant qualifies for leave to remain on human rights grounds, including Article 8 ECHR, or for discretionary leave. These matters are generally considered as part of the decision-making process on the protection claim. Where an individual wishes to rely on a separate immigration route not considered within the protection claim, a separate application (and if applicable, fees, or consideration of a fee waiver) may be required. 5. In case a residence permit can be granted to an applicant for international protection based on individual circumstances described in this query (either in the international protection procedure or in a different procedure), what type(s) of residence permit(s) can be issued to these individuals? Types of residence permit that may be granted: permission to stay on human rights grounds (including Article 8 ECHR), discretionary leave, or permission to stay under another applicable route of the Immigration Rules. The UK does not generally provide a specific residence permit solely on the basis that return cannot currently be affected. 6. In order to grant a residence permit described in Q5, what supplementary clarifications are

			needed? The information required varies according to the basis on which permission to stay is sought. Applicants must provide evidence to support the relevant human rights or other grounds being relied upon. The competent authority assesses this information when considering whether leave may be granted on human rights grounds, discretionary leave grounds, or another applicable immigration route

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