

## Common Template of EMN Study 2019

### Comparative overview of national protection statuses in the EU

#### National Contribution from *the Netherlands*\*<sup>1</sup>

***Disclaimer:** The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.*

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

*Please provide a concise summary of the main findings of Sections 1-3:*

The aim of this EMN study is to provide an overview of the national protection statuses granted to third-country nationals in the EU Member States and Norway. In this overview the content of the various protection statuses in the EU Member States will be presented, as well as the related procedures and rights and obligations. In the context of this study, a national protection status refers to any protection status granted by a State to a third-country national for various reasons. A 'status' refers to the granting of a legal status which leads directly to the issuing of a residence permit granting a long-term (i.e. longer than three months) right to reside in a Member State. The study covers statuses available from 2010 up to 2018, including the statuses that were ceased or removed from national legislation during this period. Planned or recent legislative changes in 2019 are also described.

EU-harmonised protection statuses, such as refugee, subsidiary and temporary protection, fall outside the scope of this study. Next to this statuses for stateless persons, for victims of crime (e.g. trafficking in human beings or victims of smuggling) and for third-country nationals considered as non-removable are excluded. Lastly, this study will not map cases based on Article 8 of the ECHR and so-called 'humanitarian visas', aimed to provide access to the territory of Member States of persons in need of protection.

In this study eight national protection statuses in the Netherlands are described:

- A: Suspension of departure for medical reasons (section 64 of the Aliens Act)
- B: Medical treatment
- C: After residence in connection with medical treatment
- D: Unaccompanied minors (UMAs) unable to leave the Netherlands through no fault of their own
- E: Placement in a foster family or institution in the Netherlands
- F: Discontinuation of the Definitive Regulation for long-term resident children
- G: Westernised school-going minor women
- H: Discretionary power

Most national protection statuses are either intended for third-country nationals with medical problems (status A – C) or minor third-country nationals (status D – G). Next to this, the discretionary power (status H) is described. Furthermore, most national protection statuses are intended for specific cases and in general, not many permits are granted for these statuses. For example,

<sup>1</sup> Replace highlighted text with your **Member State** name here.

this concerns a total of 292 residence permits granted for all statuses in 2018. This includes 116 residence permits granted for medical reasons (Statuses A to C) and 26 for minor third-country nationals (Statuses D to F).

None of the statuses mentioned provide protection to third-country nationals in connection with the safety situation in the country of origin, because this is part of the asylum procedure in the Netherlands. However, the asylum status is beyond the scope of this study, since this is based on EU-harmonised policy. An exception to this is the status for 'Westernised school-going minor women' (Status G). Girls who are eligible for this have become westernised in the Netherlands to such an extent that they run the risk of being put under psychosocial pressure in their daily school and social life in Afghanistan and are unsafe as a result.

Except for one status, the application procedure for obtaining the aforementioned statuses is the same. The decision term is also the same: after all, the IND will decide on the application within 90 days, either with or without the help of extra information supplied by another organisation (with the exception of Status A, where the decision term is eight weeks). The appeal procedure is also the same for all statuses, with the exception of Status A (only here, there is no suspensive effect). In addition, it is always possible for applicants to file a new application for both international protection and other regular residence statuses.

#### **Rights arising from national protection statuses**

For all eight statuses, a regular residence permit is granted on humanitarian grounds. Excepted to this is Status A (Section 64, suspension of departure on medical grounds), where no residence permit is granted, since this only concerns suspension of departure. The granted permits are temporary for all statuses (usually one year); only for Status C, a non-temporary residence permit is granted (valid for five years). For all statuses, the permit can be renewed in principle.

Rights arising from the residence permits for these statuses are largely the same, for example with respect to accommodation, education, integration, health care and social benefits, that are also almost equal for all statuses and do not differ from the rights of other third-country nationals staying in the Netherlands with a residence permit. In addition, most permits give a right to work in the Netherlands without a so-called 'work permit for third-country nationals' (TWV), except Status A and B. In principle, the holders of most statuses are entitled to family reunification. However, this is only a theoretical possibility for some statuses, since in practice holders do not have a partner or children (such as Statuses D, E, F and G). For a number of statuses, family members staying in the Netherlands are also eligible for a residence permit on the basis of family reunification (such as Statuses F and G).

In general, regular residence permits for Statuses A to H confer less strong rights than an asylum residence permit. For example, more favourable conditions often apply for an asylum residence permit with respect to accommodation and family reunification.

#### **Social and political debate**

Social and political debates took place on the basis of Status F (Final Regulation for long-term resident children) and Status H (Discretionary power) (see Q7). Central to this discussion was the following question: until when is it (still) possible to send children and their families back to their country of origin? For instance, it may happen that children and family members stay in the Netherlands for years despite several rejections of applications for admission. As a result, the children have largely grown up in the Netherlands and there is no link with the country of origin. Both statuses will be abolished: the authority will be given to the General Director of the IND to also assess during the first application procedure for a residence permit whether a residence permit may be granted in case of dire circumstances.

**Q1.** Aside from the EU-harmonised protection statuses, are there any other protection statuses currently available in your Member States? **Yes/No**

Please note that any evolution in the type of statuses that were available in the past years but not currently available is to be developed in question 8.

Yes, other protection statuses are currently available aside from the EU-harmonised protection statuses.

**Q2. If no to Q1,** please elaborate.

Please note question 12 (e.g. in case statuses reported in the 2010 study no longer exist, please note your answer there).

The discretionary power of the State Secretary for Justice and Security was abolished as of 1 May 2019. A new regulation will replace this; further details have, however, been announced too late to be included in this study. For more information, please see Q7.

**Q3. If yes to Q1,** please complete **Table 1** with the type of non-harmonised protection statuses *currently* available.

Please indicate in **Table 1** the type of non-harmonised protection status(es) currently available

- Do not include any non-protection statuses: please refer to the scope of the study as defined in the introduction of the template.
- The type of statuses listed in **Table 1** is not exhaustive and is meant to act as a guide.
- National protection statuses can include for example those issued on the basis of ECHR Articles 3 and the principle of non-refoulement, medical reasons, climate change reasons, and other measures used to facilitate the legal admission and issuing of residence permits to persons in need of protection.

If a group of statuses (e.g. for medical, climate change and non-refoulement reasons) fall within a more general, overarching humanitarian status, please fill in the row below related to humanitarian status and include information on who is eligible for such status in Table 3. If there are differences in the content of protection, however, please indicate them in Table 4.

In the table below, the protection statuses in the Netherlands are listed insofar as they fall within the scope of this study. For two statuses this is not unequivocal. The authors of the study eventually reached the conclusion that they do not fall within the scope of the study and have therefore not included them in Table 1. Because they may still be relevant for the comparative study, they are described in brief below:

### Traumata policy

In the assessment of an asylum application, it is also assessed whether a third-country national falls under the so-called traumata policy.<sup>2</sup> The traumata policy provides protection to third-country nationals who were confronted with traumatising events in the country of origin while the perpetrators of these breaches of human rights remain unpunished.<sup>3</sup> This concerns traumatic experiences caused by the government, political or militant groups who exercise actual power in the country of origin or part of it, or groups against whom the government is unable or unwilling to provide protection. If a third-country national is eligible for protection on the basis of the traumata policy, s/he will be granted an asylum residence permit on the basis of subsidiary protection as defined in Section 29.1(b) of the Aliens

<sup>2</sup> C3/3 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>3</sup> C4/1 Aliens Act Implementation Guidelines 2000 (Vc 2000) out-of-date (applicable from 09/02/2012 to 13/03/2012 inclusive).

Act 2000 (Vw 2000).<sup>4</sup> An asylum residence permit for subsidiary protection is beyond the scope of this study. For this reason, the traumata policy has not been elaborated in this study, but has only been mentioned in Q12.

### Postponement of decisions

During the assessment of an asylum application, there may be a short period of uncertainty about the situation in the country of origin and on the basis thereof it may not be possible to assess correctly whether a third-country national qualifies for either international protection pursuant to the Refugee Convention or subsidiary protection. If this is the case, the State Secretary may order postponement of decisions for a certain category of third-country nationals. By postponing these decisions, the decision term for the asylum application, which is normally no longer than six months, is extended to up to 21 months. Postponement of decisions is strictly speaking not a protection status, but a policy-related option to suspend the decision term so that a careful decision can be reached. For this reason, postponement of decisions has not been elaborated in this study.

**Table 1** Type of non-harmonised protection status(es) currently available

Type of non-harmonised protection status	Yes	No	Comments
<b>Constitutional asylum</b>			
<i>Please note section 3 in the template for background; if the status provided falls under an 'EU protection status' please note that that in your answer in the 'comments' column.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Collective protection</b>			
<i>Please note section 3; if the status provided falls under an 'EU protection status' (e.g. the Temporary Protection Directive) please note that that in your answer in the 'comments' column.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Other national (including humanitarian) statuses based on:</b>			
Medical reasons <i>See section 3 of the introduction in the study's template</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Suspension of departure for medical reasons (section 64 of the Aliens Act)</li> <li>• Medical treatment</li> <li>• After residence in connection with medical treatment</li> </ul>
Statuses available for climate change reasons and natural disasters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Statuses available for local personnel of armed forces of respective Member States (e.g. interpreters in Afghanistan or Iraq)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Special statuses available for unaccompanied/aged-out minors <i>* Please note the recent EMN study on UAM and summarise where relevant</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Unaccompanied minors (UAMs) unable to leave the Netherlands through no fault of their own</li> </ul>
Special statuses available for children <i>* Please include only if status is different from the protection-related status provided to adults/unaccompanied minors for the above-listed reasons</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Placement in a foster family or institution in the Netherlands</li> </ul> <p>This means that the Immigration and Naturalisation Service (IND) grants a temporary residence permit to a minor third-country national</p>

<sup>4</sup> C3/3 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

			<p>who has been placed in a foster family or institution in the Netherlands from another country on the basis of the 1996 Hague Convention on Protection of Children (HCPC).</p> <ul style="list-style-type: none"> <li>Discontinuation of the Definitive Regulation for long-term resident children</li> <li>Westernised school-going minor women</li> </ul>
<p>Other (national protection) grounds</p> <p><i>Please specify and add as many rows as necessary.</i></p> <p><i>Please note that study covers only national statuses granted to persons based on protection grounds – which could be applicable to persons that cannot be returned on the principle of non-refoulement. However, <u>legal statuses granted due to practical challenges to remove a third-country national fall outside the scope of the study</u> (see Section 3 in the introduction).</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Discretionary power (This status was abolished as of 1 May 2019, see Q2 and Q7).</li> </ul>

**Q4. If yes to Q1**, please complete **Table 2** with the type of statuses currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes

If statuses available also include non-harmonised protection status(es), please also complete Table 3 and Table 4 in section 2.

**Table 2** Type of protection status(es) currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes

Type of protection status	Yes		No	Comments
	EU-harmonised protection status	Non-harmonised protection status		
<b>Status(es) available for resettled persons</b>				
<i>*Please note: EMN study on resettlement and humanitarian admission programmes</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Status(es) available for relocated persons</b>				
<i>*Please note the EU relocation programmes (introduction of the template)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Status(es) available to beneficiaries of community/private sponsorship programmes</b>				
<i>*Please note: EMN study on resettlement and humanitarian admission programmes</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<b>Statuses available to beneficiaries of other special programmes</b>				
<i>E.g.: special programmes designed to assist persons in need of protection to enter and reside in the EU (e.g. in the frame of humanitarian admission programmes; family members of third-country nationals already</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A

legally residing in Member States)				
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## Section 2: Rationale, procedure and content of protection of national protection statuses

**Q5. If yes to Q1 and indicated in Tables 1 and 2 types of non-harmonised protection status(es), please elaborate on rationale for the adoption of the status(es) and the determination procedure for each of the non-harmonised protection statuses.**

Please refer to the relevant law or policy throughout.

Please add as many tables as necessary, filling one table per status, clearly indicating to which type of non-harmonised category it belongs to.

**Table 3 : Rationale for national protection status and determination procedure**

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons Status [A]: Suspension of departure for medical reasons ( Section 64 of the Aliens Act)	
<b>Background</b>	
Why was the status adopted? <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	This regulation was adopted for cases in which medical reasons could impede the removal of a third-country national. This was for instance with circumstances in mind in which the third-country national had been hospitalised and was therefore unable to travel, or was unable to travel as a result of an acute risk of contagion. <sup>5</sup>  Over the years, the scope of protection of Section 64 of the Aliens Act (Vw) has been expanded. Third-country nationals are not only protected against removal when unable to travel for medical reasons. Third-country nationals are also protected against removal when suffering from an illness of which it has been established that a lack of treatment would result in death within three months, disability, or another form of serious mental or physical trauma, and for which no treatment is available in the country of origin, or to whom treatment is not accessible respectively. <sup>6</sup>
In what year was this status established?	The current Aliens Act has been in effect since 1 April 2001. Earlier legislation also included the option to refrain from removal for medical reasons. This status has existed since at least 1965. <sup>7</sup>
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	<b>a)</b> On a permanent basis.
<b>Legal basis</b>	
Is the <i>status</i> set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	<b>a)</b> This status is set out in Section 64 of the Aliens Act 2000 (Vw 2000). <b>b)</b> Section 64 is elaborated in the Aliens Act Implementation Guidelines 2000 (Vc 2000). <sup>8</sup>

<sup>5</sup> Information provided by IND policy maker, 08/04/2019 in The Hague.

<sup>6</sup> *Parliamentary Papers II*, 2016-2017, 19637, no 2312; Government Gazette 2017, no 50078.

<sup>7</sup> Section 25, Aliens Act 1965 (Vw 1965).

<sup>8</sup> A3/7, Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons	
Status [A]: Suspension of departure for medical reasons ( Section 64 of the Aliens Act)	
Eligibility	
Who is eligible to receive this status?	<ul style="list-style-type: none"> <li>- Third-country nationals who are medically unfit for travel;<sup>9</sup></li> <li>- Third-country nationals for whom there is a real risk of breaching Article 3 of the ECHR for medical reasons;<sup>10</sup></li> <li>- Family members of the aforementioned third-country nationals.<sup>11</sup></li> </ul>
Determination procedure	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	<b>b)</b> The application procedure is set out in the Aliens Decree 2000 (Vb 2000) <sup>12</sup> and the Aliens Act Implementation Guidelines 2000 (Vc 2000). <sup>13</sup>
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	<p><b>d)</b> An application to become eligible for suspension of departure on the basis of Section 64 of the Aliens Act can be filed at any time when departure is pending.</p> <p>In addition, the IND will assess ex officio, upon rejection of the first asylum application, whether the third-country national is eligible for suspension of departure. In certain cases, this also applies to the first application for regular residence. This is also the case when a temporary regular or asylum residence permit is revoked.<sup>14</sup></p> <p>When issuing a return decision, assessment against Section 64 may also be applicable.<sup>15</sup></p>
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	<b>a)</b> In the Netherlands.
Briefly outline the procedure in terms of: — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; — Existing timelines and notification of the (first instance) decision, information to the beneficiary	<p>The application is filed with the Immigration and Naturalisation Service (IND), responsible for processing asylum applications and applications for regular residence. After reception of the application, the IND will send a letter stating the date on which the application has been received and the decision term. Subsequently, the IND will investigate whether the applicant meets the requirements. If this is the case, suspension of departure is granted. For suspension of departure on the basis of Section 64, the IND will in principle take a decision within eight weeks after application. This term is extended by thirteen weeks if medical advice must be sought.</p> <p>The IND informs the applicant of the decision by means of a</p>

<sup>9</sup> A3/7.1.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>10</sup> A3/7.1.3 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>11</sup> A3/7.1.2 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>12</sup> Sections 3, 4 and 6, Aliens Decree 2000 (Vb 2000).

<sup>13</sup> A3/7.2.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>14</sup> Sections 6.1c – 6.1e, Aliens Decree 2000 (Vb 2000).

<sup>15</sup> C2/10.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons Status [A]: Suspension of departure for medical reasons ( Section 64 of the Aliens Act)	
	letter. If suspension of departure is granted, the third-country national receives a certificate. If, as part of the assessment, it is necessary to investigate whether the required medical treatment in the country of origin or permanent residence is actually accessible to the applicant, this investigation is conducted by the Repatriation and Departure Service (DT&V).
<b>Appeal procedures</b>	
Is there an appeal in the event of a negative decision? <b>Yes/No</b>	Yes
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the IND's decision on their application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
If yes, is it: - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain)	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
Does the appeal have an automatic suspensive effect? <b>Yes/No</b> If <b>no</b> , can it be requested and what is the procedure in this case?	No, these procedures are only subject to the General Administrative Law Act (Awb). It is not allowed to await either the objection, the appeal or the appeal to a higher court.  However, the third-country national is generally allowed to await a petition for a provisional ruling on Dutch territory. Exceptions to this are: a. objections for reasons of public order or national security; b. the risk of losing the opportunity for return to the country of origin; c. in case of an attempt by the third-country national to frustrate removal, d. the application for suspension of departure on the basis of Section 64 of the Aliens Act has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (see A3/7.5, Aliens Act Implementation Guidelines).
Are the authorities involved the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i> ?	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	That depends on the circumstances of the case. Often, there will have been an earlier application for a residence permit, on which a decision has been taken. On this application a decision will in principle have been taken as part of the earlier procedure, which is still in force during and after conclusion of the Section 64 procedure if the third-country national has not met their obligation to return. <sup>16</sup> If there is no earlier procedure, a return decision will in principle be taken simultaneously with the negative decision on the application of Section 64, Aliens Act. <sup>17</sup>
If there is no possibility for appeal, please explain what happens.	Not applicable.
<b>Change of status</b>	

<sup>16</sup> Section 27, sub 1 (regular decision) and Section 45, sub 1 (asylum decision) of the Aliens Act 2000 (Vw 2000).

<sup>17</sup> Section 27, sub 1 (regular decision) and Section 45, sub 1 (asylum decision) of the Aliens Act 2000 (Vw 2000)



## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons	
Status [A]: Suspension of departure for medical reasons ( Section 64 of the Aliens Act)	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a. International protection status? (please specify which) b. Other legal migration statuses? (please specify which)	If an application is rejected or not renewed, the applicant may file a new application for both <b>(a)</b> international protection and <b>(b)</b> other legal migration statuses.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b> If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	Yes, there is relevant case law in this field. On 13 December 2016, the European Court of Human Rights (ECtHR) issued a ruling in the case of the Georgian third-country national Paposhvili against Belgium. <sup>18</sup> This ruling affected Section 64 cases, since the ECtHR gave substance to "other exceptional circumstances" that may impede removal of seriously ill third-country nationals pursuant to Article 3 of the ECHR, as well as the assessment of the availability and accessibility of medical treatment upon return that must take place on a national level. As a result, where the third-country national is suffering from a serious illness and serious, irreversible deterioration of his/her health will result or his/her life expectancy will be reduced significantly upon removal, it is no longer only assessed whether healthcare is available in the country of origin, but also whether this healthcare is actually accessible to the third-country national. <sup>19</sup>  The ruling by the Court of Justice of the European Union (CJEU) of 18 December 2014 in the case of M'Bodj <sup>20</sup> has resulted in policy changes. In this ruling it was decided that an application for admission on medical grounds cannot be considered an application for asylum protection and therefore does not fall under the EU Procedure Directive (2013/32/EU). Hence, changes were made after this case so that in relation to a real risk of breach of Article 3 of the ECHR for medical reasons, an application may be filed for suspension of departure and subsequently for an optional regular residence permit on temporary grounds.

Table 3 : Rationale for national protection status and determination procedure

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons	
Status [B] Medical treatment	
Background	
Why was the status adopted? <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	Extensive historical research is needed to discover why this status was adopted. This status gives third-country nationals the right to residence, so that they can receive medical treatment that is not available in the country of origin and for which the Netherlands is the most suited country. <sup>21</sup>

<sup>18</sup> Belgium vs. Paposhvili, No 41738/10.1319, [https://hudoc.echr.coe.int/eng#{"fulltext":\["paposhvili"\],"itemid":\["001-169662"\]}](https://hudoc.echr.coe.int/eng#{). Consulted on 20 March 2019.

<sup>19</sup> Government Gazette, 2017, no 50078.

<sup>20</sup> CJEU, C-542/13, Judgment of the Court (Grand Chamber) of 18 December 2014, *Mohamed M'Bodj v État belge*, ECLI:EU:C:2014:2452.

<sup>21</sup> B8/9.1.2 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons	
<b>Status [B] Medical treatment</b>	
In what year was this status established?	This status was established when the Aliens Act 2000 (Vw 2000) became effective on 1 April 2001. Predecessors of this status have existed since at least the 1980s. <sup>22</sup>
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	a) On a permanent basis.
<b>Legal basis</b>	
Is the <i>status</i> set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	b) This status is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000) and the Aliens Decree 2000 (Vb 2000). <sup>23</sup>
<b>Eligibility</b>	
Who is eligible to receive this status?	<u>From a third country</u> To be eligible for this status, the third-country national abroad must be in need of urgent medical treatment, whereby the Netherlands must be the most suited country for undergoing the urgent treatment. Funding for this treatment must also have been taken care of adequately. <sup>24</sup>  <u>From the Netherlands</u> This concerns a number of categories, including third country nationals with at least one year of lawful residence in the Netherlands on the basis of Section 64 of the Aliens Act. He or she may be eligible for this status. <sup>25</sup>
<b>Determination procedure</b>	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	b) The application procedure is set out in the Aliens Decree 2000 (Vb 2000) and the Aliens Act Implementation Guidelines 2000 (Vc 2000). <sup>26</sup>
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	b) Immediately, as part of a separate procedure. d) It is possible to apply for the humanitarian status on temporary grounds for 'Medical Treatment' in the period of 28 days before up to 28 days after lawful residence lapses on the basis of Section 64 of the Aliens Act (Vw). <sup>27</sup> Please see the above table for information about Section 64 (status A).
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	c) In the Netherlands as well as a third country (at a Dutch mission).

<sup>22</sup> B16 Aliens Act Implementation Guidelines 1982 (Vc 1982).

<sup>23</sup> B8/9 Aliens Act Implementation Guidelines 2000 (Vc 2000); Aliens Decree 2000 (Vb 2000).

<sup>24</sup> B8/9.1.2.1 and B8/9.1.5, Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>25</sup> B8/9.1.2 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>26</sup> Section 3, subs 46 and 51, Aliens Decree 2000 (Vb 2000) and B8/9.1.1 and 9.1.6 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>27</sup> B8/9.1.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons	
<b>Status [B] Medical treatment</b>	
<p>Briefly outline the procedure in terms of:</p> <ul style="list-style-type: none"> <li>— Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u>;</li> <li>— Existing timelines and notification of the (first instance) decision, information to the beneficiary</li> </ul>	<p>The application is filed with the Immigration and Naturalisation Service (IND), responsible for processing asylum applications and applications for regular residence. After reception of the application, the IND will send a letter stating the date on which the application has been received and the decision term. Subsequently, the IND will investigate whether the applicant meets the requirements. If this is the case, the IND will issue a regular residence permit.<sup>28</sup> If as part of the assessment it must be investigated whether the required medical treatment in the country of origin or permanent residence is actually accessible to the applicant, this investigation is conducted by the Repatriation and Departure Service (DT&amp;V).</p> <p>The statutory decision term is 90 days from the date of application for applications for a temporary humanitarian status for 'medical treatment'.<sup>29</sup> The IND informs the applicant of the decision by means of a letter.</p>
<b>Appeal procedures</b>	
Is there an appeal in the event of a negative decision? <b>Yes/No</b>	Yes
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the IND's decision on their application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
<p>If yes, is it:</p> <ul style="list-style-type: none"> <li>- An administrative appeal?</li> <li>- A judicial appeal?</li> <li>- Judicial review?</li> <li>- Other? (please explain)</li> </ul>	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
<p>Does the appeal have an automatic suspensive effect? <b>Yes/No</b></p> <p><u>If no</u>, can it be requested and what is the procedure in this case?</p>	<p>Yes, as a general rule, the objection has a suspensive effect unless one of the exceptions applies. These include, for example, the circumstance in which the third-country national poses a threat to public order.</p> <p>Appeal does not have a suspensive effect. However, the third-country national is generally allowed to await a petition for a provisional ruling on Dutch territory. Exceptions to this are: a. when a second or repeat petition for a provisional ruling is concerned; b. the application for a residence permit has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (Awb); c. objections for reasons of public order (including public peace) or national security; d. it would obstruct removal; or e. in case of abuse of rights.</p> <p>(see B1/7.3 Vc)</p>

<sup>28</sup> Section 9, sub 1, Aliens Act 2000 (Vw 2000).

<sup>29</sup> Section 25, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical Reasons	
<b>Status [B] Medical treatment</b>	
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	Yes
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	No, the return decision is issued simultaneously with the negative decision on the residence permit applied for. <sup>30</sup> Depending on the question whether objection or appeal against the negative decision has a suspensive effect either ipso jure or as a result of a court judgment, the consequences of the return decision will also be suspended.
If there is no possibility for appeal, please explain what happens.	Not applicable.
<b>Change of status</b>	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a. International protection status? (please specify which) b. Other legal migration statuses? (please specify which)	If an application is rejected or not renewed, the applicant may file a new application for both <b>(a)</b> international protection (refugee status and international protection) and <b>(b)</b> other legal migration statuses (all regular statuses).
<b>Relevant case law</b>	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b> If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	In the ruling by the European Court of Justice (CJEU) of 18 December 2014 in the case of M'Bodj, it was decided that an application for admission on medical grounds cannot be considered an application for asylum protection and does therefore not fall under the EU Procedure Directive (2013/32/EU). Hence, changes were made after this case so that in relation to a real risk of breach of Article 3 of the ECHR for medical reasons, an application may be filed for suspension of departure and subsequently for an optional regular residence permit on temporary grounds. <sup>31</sup>

Table 3 : Rationale for national protection status and determination procedure

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical reasons	
<b>Status [C] After residence in connection with medical treatment</b>	
<b>Background</b>	
Why was the status adopted? <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	Extensive historical research is needed to discover why this status was adopted. This status grants third-country nationals non-temporary right of residence if they previously had three years of temporary right of residence in connection with medical treatment and still meet all conditions under which the earlier permit had been granted. <sup>32</sup>
In what year was this status established?	This status was established when the Aliens Act Implementation Guidelines 2000 (Vw 2000) came into effect on 1 April 2001.
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	a) On a permanent basis.

<sup>30</sup> Section 27, sub 1, Aliens Act 2000 (Vw 2000).

<sup>31</sup> CJEU, C-542/13, Judgment of the Court (Grand Chamber) of 18 December 2014, *Mohamed M'Bodj v État belge*, ECLI:EU:C:2014:2452.

<sup>32</sup> B9/9 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical reasons	
Status [C] After residence in connection with medical treatment	
Legal basis	
<p>Is the <i>status</i> set out in:</p> <p>a) Legislation?</p> <p>b) Administrative decision/regulation/circular?</p> <p>c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate</p>	<p><b>b)</b> The humanitarian non-temporary status 'After residence in connection with medical treatment' is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000) and the Aliens Decree 2000 (Vb 2000).<sup>33</sup></p>
Eligibility	
<p>Who is eligible to receive this status?</p>	<p>Third-country nationals who have held the temporary humanitarian status of 'medical treatment', and third-country nationals who have been granted one year of suspension of departure on the basis of Section 64 of the Aliens Act and have subsequently held the temporary humanitarian status of 'medical treatment'. In addition, medical treatment must continue for at least one year. The third-country national must also meet all requirements for the temporary humanitarian status of 'medical treatment' (see status B). However, the third-country national does not need to possess adequate means of existence, unlike for the temporary humanitarian status of 'medical treatment'.<sup>34</sup></p>
Determination procedure	
<p>Is an application procedure set out in:</p> <p>a) Legislation?</p> <p>b) Administrative decision/regulation/circular?</p> <p>c) Other (e.g. case law)?</p>	<p><b>b)</b> The application procedure is set out in the Aliens Decree 2000 (Vb 2000) and the Aliens Act Implementation Guidelines 2000 (Vc 2000).<sup>35</sup></p>
<p>When is application for the national protection status possible:</p> <p>a) Immediately, as part of a single procedure examining the need for international protection?</p> <p>b) Immediately, as part of a separate procedure?</p> <p>c) After exhausting the asylum procedure in-country?</p> <p>d) Other (please explain).</p>	<p><b>d)</b> Application for this status is possible if the third-country national has held the temporary humanitarian residence permit for 'medical treatment' for three years, or if the third-country national has received suspension of departure on the basis of section 64 of the Aliens Act and has subsequently held the temporary humanitarian status of 'medical treatment' for two years.<sup>36</sup></p>
<p>Where does the application take place:</p> <p>a) In the territory of your State?</p> <p>b) In a third country?</p> <p>c) Both are possible.</p>	<p><b>a)</b> Application takes place in the Netherlands.</p>
<p>Briefly outline the procedure in terms of:</p> <ul style="list-style-type: none"> <li>— Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u>;</li> <li>— Existing timelines and notification of the (first instance) decision, information to the beneficiary</li> </ul>	<p>The application is filed with the Immigration and Naturalisation Service (IND), responsible for processing asylum applications and applications for regular residence. After receiving the application, the IND will send a letter stating the date on which the application has been received and the decision term. Subsequently, the IND will investigate whether the applicant meets the requirements. If this is the case, the IND will issue a regular residence permit.</p>

<sup>33</sup> B9/9 Aliens Act Implementation Guidelines 2000 (Vc 2000); Sections 3.99-3.101 Aliens Decree 2000 (Vb 2000).

<sup>34</sup> Section 3.51, sub 4, Aliens Decree (Vb) 2000.

<sup>35</sup> Sections 14-27, Aliens Act 2000 (Vw 2000), Sections 3.99-3.101b, Aliens Decree 2000 (Vb 2000) and B9/9, Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>36</sup> Section 3.51, Aliens Decree 2000 (Vb 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical reasons	
<b>Status [C] After residence in connection with medical treatment</b>	
	The statutory decision term is 90 days from the date of application for applications for a humanitarian residence permit on non-temporary grounds after residence in connection with medical treatment'. <sup>37</sup> The IND informs the applicant of the decision by means of a letter.
<b>Appeal procedures</b>	
Is there an appeal in the event of a negative decision? <b>Yes/No</b>	Yes.
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the decision by the IND on their application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
If yes, is it: <ul style="list-style-type: none"> <li>- An administrative appeal?</li> <li>- A judicial appeal?</li> <li>- Judicial review?</li> <li>- Other? (please explain)</li> </ul>	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
Does the appeal have an automatic suspensive effect? <b>Yes/No</b> If <b>no</b> , can it be requested and what is the procedure in this case?	Yes, as a general rule, the objection has a suspensive effect unless one of the exceptions applies. These include, for example, the circumstance in which the third-country national poses a threat to public order.  Appeal does not have a suspensive effect. However, the third-country national is generally allowed to await a petition for a provisional ruling on Dutch territory. Exceptions to this are: a. when a second or repeat petition for a provisional ruling is concerned; b. the application for a residence permit has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (Awb); c. objections against this for reasons of public order (including public peace) or national security; d. it would obstruct removal; or e. in case of abuse of rights. (see B1/7.3 Vc)
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	No, the return decision is issued simultaneously with the negative decision on the residence permit applied for. <sup>38</sup> Depending on the question whether objection or appeal against the negative decision has a suspensive effect either ipso jure or as a result of a court judgment, the consequences of the return decision will also be suspended.
If there is no possibility for appeal, please explain what happens.	Not applicable.
<b>Change of status</b>	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for:	If an application is rejected or not renewed, the applicant may file a new application for both <b>(a)</b> international

<sup>37</sup> Section 25, Aliens Act 2000 (Vw 2000).

<sup>38</sup> Section 27, sub 1, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Medical reasons	
<b>Status [C] After residence in connection with medical treatment</b>	
a) International protection status? (please specify which) b) Other legal migration statuses? (please specify which)	protection and <b>(b)</b> other legal migration statuses. While it is possible to apply for another status, the chance that the application will be granted is minimal.
<b>Relevant case law</b>	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b> If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 3 : Rationale for national protection status and determination procedure

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses available for unaccompanied/aged-out minors	
<b>Status [D] Unaccompanied Minor (UAM) unable to leave the Netherlands through no fault of their own</b>	
<b>Background</b>	
Why was the status adopted? <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	<p>The UAM permit was abolished on 1 June 2013 to give UAMs<sup>39</sup> clarity about their residence perspectives for the purpose of a fast return to their country of origin.<sup>40</sup> It was not considered in the interest of UAMs who were not eligible for permanent protection in the Netherlands to be granted a temporary permit which would expire upon their 18<sup>th</sup> birthday. Granting a UAM residence permit sent out a contradictory message to these young people, who in spite of their temporary status started to focus on integration.<sup>41</sup></p> <p>After the abolishment of the UAM permit, the special no-fault permit was introduced for UAMs.<sup>42</sup> This was done to create a safety net in case a UAM is unable to return to their country of origin through no fault of his own. An important difference between the regular no-fault policy for adults and the no-fault policy for UAMs is that a higher level of initiative is expected from adults.</p> <p>If within a maximum period of three years from the time of filing the asylum application by the minor it turns out that the return by the UAM cannot be effected through no fault of the minor, among other reasons because no adequate reception is available in the country of origin, the UAM may after further investigation be eligible for this no-fault permit.<sup>43</sup></p>

<sup>39</sup> An unaccompanied minor (UAM) is younger than 18 years.

<sup>40</sup> *Parliamentary Papers II*, 2012-2013, 27 062, no 88.

<sup>41</sup> *Parliamentary Papers II*, 2009-2010, 27 062, no 64.

<sup>42</sup> *Parliamentary Papers II*, 2012-2013, 27 062, no 88.

<sup>43</sup> *Parliamentary Papers II*, 2011-2012, 27 062, no 75, B8/6.2.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses available for unaccompanied/aged-out minors	
Status [D] Unaccompanied Minor (UAM) unable to leave the Netherlands through no fault of their own	
In what year was this status established?	2013. <sup>44</sup>
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	a) On a permanent basis.
<b>Legal basis</b>	
Is the <i>status</i> set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	b) The humanitarian status on temporary grounds for a 'UAM who is unable to leave the Netherlands through no fault of their own' is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000). <sup>45</sup>
<b>Eligibility</b>	
Who is eligible to receive this status?	<p>This status is meant for unaccompanied minors (UAMs) who are under fifteen years of age at the time of filing their first residence application and are unable to leave the Netherlands through no fault of their own. If within three years after the last residence application no adequate reception (or access to this) has become available in the country of origin or another country where they might reasonably go,<sup>46</sup> these UAMs may be eligible for this permit. The Repatriation and Departure Service (DT&amp;V) assesses in these cases whether a no-fault situation exists.</p> <p>If a no-fault situation manifests itself earlier, the IND may, after some consultation with the DT&amp;V, decide independently to grant a no-fault permit ex officio.</p> <p>The IND assumes adequate reception in the country of origin if family up to the fourth degree or a spouse with whom the third-country national was married in a non-recognised traditional ceremony is present, another family member or adult can offer reception, an acceptable reception institution is present, the authorities will provide adequate reception, or if it becomes evident from general information that adequate reception is available.<sup>47</sup> The starting point of the no-fault policy is that the UAM genuinely wishes to return.<sup>48</sup></p>
<b>Determination procedure</b>	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	b) The application procedure is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000). <sup>49</sup>
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection?	d) When requested, the application may be filed after an earlier application for residence and may also be granted ex officio. <sup>50</sup>

<sup>44</sup> *Parliamentary Papers II*, 2012/13, 27 062, no 88.

<sup>45</sup> B8/6, Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>46</sup> B8/6.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>47</sup> B8/6.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>48</sup> B8/6.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>49</sup> B8/6.3 Aliens Act Implementation Guidelines 2000 (Vc 2000).



## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses available for unaccompanied/aged-out minors	
Status [D] Unaccompanied Minor (UAM) unable to leave the Netherlands through no fault of their own	
b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	a) Application takes place in the Netherlands.
Briefly outline the procedure in terms of: — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; — Existing timelines and notification of the (first instance) decision, information to the beneficiary	<p>Within three years after arrival in the Netherlands, a no-fault permit may be granted ex officio without further investigation. The Immigration and Naturalisation Service (IND) assesses whether the applicant meets the requirements. If this is the case, the IND will issue a temporary regular residence permit.</p> <p>If the departure of the UAM has not been effected within three years, the DT&amp;V may write an urgent positive recommendation ex officio or upon request after further investigation, which can be used to file an application for a no-fault permit.</p> <p>After reception of the application, the IND will send a letter stating the date on which the application has been received and the decision term. The statutory decision term is 90 days from the date of application for applications for the status on temporary humanitarian grounds of 'UAM who is unable to leave the Netherlands through no fault of their own.'<sup>51</sup> The IND informs the applicant of the decision by means of a letter.</p>
Appeal procedures	
Is there an appeal in the event of a negative decision? <b>Yes/No</b>	Yes
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the IND's decision on their application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
If yes, is it: - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain)	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
Does the appeal have an automatic suspensive effect? <b>Yes/No</b> <u>If no</u> , can it be requested and what is the procedure in this case?	<p>Yes, as a general rule, the objection has a suspensive effect unless one of the exceptions applies. These include, for example, the circumstance in which the third-country national poses a threat to public order.</p> <p>Appeal does not have a suspensive effect. However, the third-country national is generally allowed to await a petition</p>

<sup>50</sup> B8/6.3 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>51</sup> Section 25, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses available for unaccompanied/aged-out minors	
Status [D] Unaccompanied Minor (UAM) unable to leave the Netherlands through no fault of their own	
	for a provisional ruling on Dutch territory. Exceptions to this are: a. when a second or repeat petition for a provisional ruling is concerned; b. the application for a residence permit has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (Awb); c. objections against this for reasons of public order (including public peace) or national security; d. it would obstruct removal; or e. in case of abuse of rights. (see B1/7.3 Vc)
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the international protection procedure?</u>	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	No, the return decision is issued simultaneously with the negative decision on the residence permit applied for. <sup>52</sup> Depending on the question whether objection or appeal against the negative decision has a suspensive effect either ipso jure or as a result of a court judgment, the consequences of the return decision will also be suspended.
If there is no possibility for appeal, please explain what happens.	Not applicable.
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a) International protection status? (please specify which) b) Other legal migration statuses? (please specify which)	If an application is rejected or not renewed, the applicant may file a new application for both <b>(a)</b> international protection and <b>(b)</b> other legal migration statuses. While it is possible to apply for another status, the chance that the application will be granted is minimal.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b> If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses for children	
Status [E] Placement in a foster family or institution in the Netherlands	
Background	
Why was the status adopted? <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	On 31 May 2011, the 1996 Hague Convention on Parental Responsibility and Measures for the Protection of Children came into effect in the Netherlands. <sup>53</sup> This Convention inter alia provides the option of placing a minor third-country national in a foster family or institution in another state party to the Convention if s/he is subject to a child protection measure or youth care has been indicated for him/her. This

<sup>52</sup> Section 27, sub 1, Aliens Act 2000 (Vw 2000).

<sup>53</sup> This concerns a Convention on the jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children.

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses for children	
Status [E] Placement in a foster family or institution in the Netherlands	
	on the condition that a consultation period took place prior to placement. To implement this Convention, the option had to be created to place a foster child from outside the EU/EEA in the Netherlands in a foster family or institution at the request of the Central Authority for International Children's Issues (Ca IKA) <sup>54</sup> . To do so, a policy framework has been provided where temporary placement is concerned, as further elaborated in this table. In addition, a policy framework exists where the situation concerns a child who will not be able to return to the original family situation and will stay in a foster family or institution in the Netherlands until s/he turns 18. <sup>55</sup> Both policy frameworks came into effect on 1 July 2014.
In what year was this status established?	2014
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	a) On a permanent basis.
Legal basis	
Is the <i>status</i> set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	b) This status is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000), the Aliens Regulations 2000 (Vv 2000) and the Aliens Decree 2000 (Vb 2000). <sup>56</sup>
Eligibility	
Who is eligible to receive this status?	Minor third-country nationals <sup>57</sup> who are placed in a foster family or institution in the Netherlands from another country on the basis of the 1996 Hague Convention on Protection of Children (HCPC). It concerns temporary placement to which the Central Authority for International Children's Issues in the Netherlands and the Central Authority in the country of origin must have consented.
Determination procedure	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular?	b) The application procedure for this status is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000) and the Aliens Decree 2000 (Vb 2000). <sup>58</sup>

<sup>54</sup> The Central Authority for International Children's Issues (Ca IKA) of the Netherlands is part of the Ministry of Justice and Security and is responsible for the implementation of a number of children's conventions with respect to child abduction, adoption and child protection.

<sup>55</sup> If a minor third-country national is unable to return to his/her original family situation and cannot be placed in a foster family or institution in the Netherlands until s/he turns 18 years, s/he may be eligible for a non-temporary humanitarian residence permit. The policy framework for this was laid down in the Aliens Act Implementation Guidelines 2000 (Vc 2000), B9/15. The requirements for this non-temporary permit are the same as the requirements for the temporary permit (corresponding to status E), as elaborated in tables 3 and 4. However, an important difference is the requirement that for a non-temporary permit, placement must concern an institution or foster family until the age of 18 years, instead of the temporary placement for status E. The validity is also different: it is five years for the non-temporary permit and one year for the temporary permit. Furthermore, the restriction under which the non-temporary status is granted is 'non-temporary humanitarian grounds', instead of 'temporary humanitarian grounds' for status E. The non-temporary permit gives a stronger right of residence than the temporary permit. Because the further requirements are identical to the requirements for the temporary permit (status E), the non-temporary variant will not be described in further detail.

<sup>56</sup> B8/11 Aliens Act Implementation Guidelines 2000 (Vc 2000); Section 3.48, sub 2, under b, Aliens Decree 2000 (Vb 2000); Section 3.24a, sub 1, under c, Aliens Regulations (Vv).

<sup>57</sup> A minor third-country national is younger than 18 years.

<sup>58</sup> B1/3.3 and 3.4.1.2 and 3.4.2 Aliens Act Implementation Guidelines 2000 (Vc 2000); Sections 1.24 and 1.26 and 3.99 Aliens Decree 2000 (Vb 2000); Sections 2s and 23 Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses for children	
Status [E] Placement in a foster family or institution in the Netherlands	
c) Other (e.g. case law)?	
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	<b>b)</b> Application for the status of placement in a foster family or institution on the basis of the HCPC is possible immediately after a child abroad is eligible for this.
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	<b>c)</b> In most cases the minor third-country national needs a Regular Provisional Residence Permit (MVV). The minor third-country national's age determines whether an MVV is required. For some nationalities or in certain situations, an exemption from the MVV requirement is applicable.  An MVV is a special entry visa. An application for the MVV and the subsequent residence permit must be filed by the legal representative of the minor third-country national in the combined procedure for Entry and Residence (TEV) while the minor third-country national resides abroad. The legal representative may file the application for the MVV with the Immigration and Naturalisation Service (IND), but also with the Dutch diplomatic or consular mission in the minor third-country national's country of origin or permanent residence, or in the absence of one, the closest country where a mission has been established. If the minor third-country national is not subject to the MVV requirement and enters the Netherlands, the minor third-country national's legal representative may file an application with the IND for a residence permit to be granted.
Briefly outline the procedure in terms of: — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; — Existing timelines and notification of the (first instance) decision, information to the beneficiary	As the authority responsible for processing asylum applications and applications for regular residence, the Immigration and Naturalisation Service (IND) will assess the aforementioned applications against the applicable policy framework.  After receiving the application, the IND will send a letter stating the date on which the application has been received and the decision term. The statutory decision term is 90 days from the date of application for applications for an MVV and applications for a regular residence permit to be granted. <sup>59</sup>  One of the most important conditions for a humanitarian residence permit on temporary grounds for placement in a foster family or institution on the basis of the HCPC is that both the Central Authority for International Children's Issues in the Netherlands and the Central Authority in the country of origin must have consented to the placement of the minor third-country national in a foster family or institution in the Netherlands.  The IND informs the applicant of the decision by means of a letter. Where a positive decision on an MVV application is

<sup>59</sup> Section 25, Aliens Act 2000 (Vw 2000); Section 2u, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2): Special statuses for children	
Status [E] Placement in a foster family or institution in the Netherlands	
	concerned, the IND informs the Dutch mission abroad. The Dutch mission will then issue a Regular Provisional Residence Permit (MVV). The minor third-country national can use this to enter the Netherlands and subsequently collect the regular residence permit at the IND.
Appeal procedures	
Is there an appeal in the event of a negative decision? <b>Yes/No</b>	Yes
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the IND's decision on their application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
If yes, is it: <ul style="list-style-type: none"> <li>- An administrative appeal?</li> <li>- A judicial appeal?</li> <li>- Judicial review?</li> <li>- Other? (please explain)</li> </ul>	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
Does the appeal have an automatic suspensive effect? <b>Yes/No</b> If <b>no</b> , can it be requested and what is the procedure in this case?	Yes, as a general rule, the objection has a suspensive effect unless one of the exceptions applies. These include, for example, the circumstance in which the third-country national poses a threat to public order.  Appeal does not have a suspensive effect. However, the third-country national is generally allowed to await a petition for a provisional ruling on Dutch territory. Exceptions to this are: a. when a second or repeat petition for a provisional ruling is concerned; b. the application for a residence permit has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (Awb); c. objections against this for reasons of public order (including public peace) or national security; d. it would obstruct removal; or e. in case of abuse of rights. (see B1/7.3 Vc)
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	No, the return decision is issued simultaneously with the negative decision on the residence permit applied for. <sup>60</sup> Depending on the question whether objection or appeal against the negative decision has a suspensive effect either ipso jure or as a result of a court judgment, the consequences of the return decision will also be suspended.
If there is no possibility for appeal, please explain what happens.	Not applicable.
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: <ul style="list-style-type: none"> <li>a) International protection status? (please specify which)</li> <li>b) Other legal migration statuses? (please specify which)</li> </ul>	If an application is rejected or not renewed, the applicant may file a new application in both cases (a and b). While it is possible to apply for another status, the chance that the application will be granted is minimal.

<sup>60</sup> Section 27, sub 1, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

<b>Type of category the national protection status belongs to</b> (as mentioned in Table 1 or Table 2): Special statuses for children	
<b>Status [E] Placement in a foster family or institution in the Netherlands</b>	
<b>Relevant case law</b>	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b> If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

**Table 3 : Rationale for national protection status and determination procedure**

<b>Type of category the national protection status belongs to</b> (as mentioned in Table 1 or Table 2): Special statuses available for children	
<b>Status [F] Final Regulation for long-term resident children</b>	
<b>Background</b>	
Why was the status adopted?  <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	The State Secretary for Justice and Security announced that he would discontinue the Definitive Regulation for long-term resident children (hereinafter: the Definitive Regulation) as of 29 January 2019. <sup>61</sup> This regulation is often called the 'children's pardon scheme' in the media. In addition, he announced that applications on the basis of the Definitive Regulation which had been rejected on the basis of the so-called 'cooperation requirement' would be reassessed. The reason for this was a series of social and political debates about the removal of families with children who had been staying in the Netherlands for a long time (see Q7). <sup>62</sup> To assess or reassess ongoing cases as well as cases which had been rejected earlier one final time, a final regulation (the Final Regulation for long-term resident children, hereinafter: Final Regulation) was introduced. This Final Regulation will be discussed in this table.
In what year was this status established?	2019.
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	<b>b)</b> This concerns a final regulation and is therefore on a temporary basis. <sup>63</sup>
<b>Legal basis</b>	
Is the <i>status</i> set out in: a) Legislation?	<b>b)</b> This status was set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000), the Aliens Regulations 2000 (Vv 2000) and the Aliens Decree 2000 (Vb 2000). <sup>64</sup>

<sup>61</sup> *Parliamentary Papers II*, 2018-2019, 19637, no 2459; *Parliamentary Papers II*, 2011-2012, 19637, no 1546.

<sup>62</sup> For the background of the debates, see Q7: *National debates and challenges as regards national protection statuses*.

<sup>63</sup> *Parliamentary Papers II*, 2018-2019, 19637, no 2459.

<sup>64</sup> B9/6 Aliens Act Implementation Guidelines 2000 (Vc 2000); Section 3.51 Aliens Decree 2000 (Vb 2000), 3.24aa, sub 2, preamble and under b, Aliens Regulations 2000 (Vv 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Special statuses available for children	
Status [F] Final Regulation for long-term resident children	
b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	
<b>Eligibility</b>	
Who is eligible to receive this status?	<p>The IND will grant a residence permit to third-country nationals who:</p> <ul style="list-style-type: none"> <li>• were staying in the Netherlands on 29 January 2019;</li> <li>• were under the age of 19 at the time of filing the original application (or any time between 1 February 2013 and 29 January 2019);</li> <li>• filed an asylum application at least five years before reaching the age of 18;</li> <li>• did not abscond from government supervision for a consecutive period of longer than 3 months;</li> <li>• shall withdraw his/her on-going procedures when residence is granted on the basis of the Final Regulation.</li> </ul> <p>The IND will not grant the residence permit when there are contraindications. There are contraindications inter alia when a third-country national poses a threat to public order or when the third-country national was not available for departure.</p>
<b>Determination procedure</b>	
Is an application procedure set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	<b>b)</b> The application procedure was based on the Aliens Act Implementation Guidelines 2000 (Vc 2000). <sup>65</sup>
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	<p><b>d)</b> This concerns a transitional regulation. The application procedure may be started in different ways.<sup>66</sup></p> <p>Third-country nationals do not have to do anything if they filed an application on the basis of the former children's pardon scheme but their application was rejected on the basis of the so-called 'cooperation requirement'<sup>67</sup> and if they were staying in a COA facility<sup>68</sup> or were under the supervision of Nidos Foundation on 29 January 2019. Their cases will be assessed ex officio.</p> <p>Third-country nationals who did not fall in the group for ex-officio assessment but were of the opinion that they could be eligible for a residence permit pursuant to the Final</p>

<sup>65</sup> B9/6 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>66</sup> <https://ind.nl/nieuws/Paginas/Criteria-overgangsregeling-kinderpardon-bekend.aspx> [in Dutch]

<sup>67</sup> To clarify: to be eligible for the children's pardon scheme in the past, the third-country national had to have 'cooperated' in their departure. This was changed in the Final Regulation, in which the third-country national must have been 'available' for departure.

<sup>68</sup> The reception facility for asylum seekers designated by the Central Agency for the Reception of Asylum Seekers (COA).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Special statuses available for children	
Status [F] Final Regulation for long-term resident children	
	Regulation could file an application themselves. A two-week term was set for this, from 29 January 2019 to no later than 25 February 2019. To file the application, a fee had to be paid.
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	a) Application takes place in the Netherlands.
Briefly outline the procedure in terms of:  — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ;  — Existing timelines and notification of the (first instance) decision, information to the beneficiary	The application is filed with the Immigration and Naturalisation Service (IND), responsible for processing asylum applications and applications for regular residence. After receiving the application, the IND will send a letter stating the date on which the application has been received and the decision term. Subsequently, the IND will investigate whether the applicant meets the requirements. If this is the case, the IND will issue a regular residence permit. The IND informs the applicant of the decision by means of a letter. <sup>69</sup>
<b>Appeal procedures</b>	
Is there an appeal in the event of a negative decision? <b>Yes/No</b>	Yes
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the decision by the IND on his/her application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
If yes, is it:  - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain)	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
Does the appeal have an automatic suspensive effect? <b>Yes/No</b>  If <b>no</b> , can it be requested and what is the procedure in this case?	Yes, as a general rule, the objection has a suspensive effect unless one of the exceptions applies. These include, for example, the circumstance in which the third-country national poses a threat to public order.  Appeal does not have a suspensive effect. However, the third-country national is generally allowed to await a petition for a provisional ruling on Dutch territory. Exceptions to this are: a. when a second or repeat petition for a provisional ruling is concerned; b. the application for a residence permit has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (Awb); c. objections against this for reasons of public order (including public peace) or national security; d. it would obstruct removal; or e. in case of abuse of rights (see B1/7.3 Vc).

<sup>69</sup> <https://ind.nl/Documents/QA%20Afsluitingsregeling%20Langdurig%20Overblijvende%20kinderen.pdf> [in Dutch]



## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Special statuses available for children	
Status [F] Final Regulation for long-term resident children	
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	No, the return decision is issued simultaneously with the negative decision on the residence permit applied for. <sup>70</sup> Depending on the question whether objection or appeal against the negative decision has a suspensive effect either ipso jure or as a result of a court judgment, the consequences of the return decision will also be suspended.
If there is no possibility for appeal, please explain what happens.	Not applicable.
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a) International protection status? (please specify which) b) Other legal migration statuses? (please specify which)	If an application is rejected or not renewed, the applicant may file a new application in both cases (a and b). While it is possible to apply for another status, the chance that the application will be granted is minimal.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b>  If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.  <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 3 : Rationale for national protection status and determination procedure

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Special statuses for children	
Status [G] Westernised school-going minor women	
Background	
Why was the status adopted?  <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	In 2010 the Afghan family of a 14-year-old woman appealed against the rejection of their asylum application. There was a lot of media attention for the case, as well as political debate. <sup>71</sup> On 20 January 2011, the District Court of Den Bosch issued a ruling in this case. <sup>72</sup> The District Court ruled that the minor woman and her family would be at risk upon return to Afghanistan, since they had become westernised as a result of their long-term residence in the Netherlands (10 years). With respect to the minor woman, it was stated that

<sup>70</sup> Section 27, sub 1, Aliens Act (Vw) 2000.

<sup>71</sup> See inter alia: <https://www.nrc.nl/nieuws/2011/03/30/nieuwe-kans-voor-sahar-en-haar-familie-12007903-a941730> [in Dutch]

<sup>72</sup> ECLI:NL:RBSGR:2011:BP1516 District Court of The Hague, 20/01/2011.

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Special statuses for children	
Status [G] Westernised school-going minor women	
	westernised norms and values had become part of her life and personality and that therefore she would not be able to return to Afghanistan safely. In response to this case, the Minister of Migration and Asylum at the time asked the Minister of Foreign Affairs to publish an official report on the situation of school-going children in Afghanistan. From this official report it became evident that girls with a westernised lifestyle are at risk in their daily school and social life in Afghanistan. The necessity of adapting to Afghan norms and values, the isolated position, and the inferior status of women and girls in Afghanistan put great psychosocial pressure on westernised girls. As a result of this thematic official report of March 2011 on school-going children, the policy was amended on 27 April 2011. <sup>73</sup> At the direction of the Minister of Migration and Asylum at the time, the following was laid down in policy: in individual cases and for pressing reasons of a humanitarian nature, under certain circumstances it cannot be expected that westernised girls return to Afghanistan.
In what year was this status established?	2011
Is this status established on: a) A permanent basis? b) A temporary (or ad-hoc) basis? If it is temporary/ad-hoc, when did/will it cease operation?	a) a permanent basis. However, this reason may cease to apply as a result of a change in the situation in the country of origin. <sup>74</sup>
<b>Legal basis</b>	
Is the <i>status</i> set out in: a) Legislation? b) Administrative decision/regulation/circular? c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate	b) This status is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000), the Aliens Decree 2000 (Vb 2000) and the Aliens Regulations 2000 (Vv 2000). <sup>75</sup>
<b>Eligibility</b>	
Who is eligible to receive this status?	Westernised minor third-country national women without residence status who can make it plausible that they will be under disproportionately great psychosocial pressure upon return to Afghanistan. In addition, they must be receiving education in the Netherlands and be at least ten years old.
<b>Determination procedure</b>	
Is an application procedure set out in: a) Legislation?	b) The application procedure for this status is set out in the Aliens Act Implementation Guidelines 2000 (Vc 2000) and the Aliens Decree 2000 (Vb 2000). <sup>76</sup>

<sup>73</sup> Government Gazette, 2011, no 7592; *Parliamentary Papers II*, 2010-2011, 19 637, no 1410.

<sup>74</sup> B8/10.4 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>75</sup> B8/10, Aliens Act Implementation Guidelines 2000 (Vc 2000); Section 3.48 Aliens Decree 2000 (Vb 2000); Section 3.24aa, sub 1, preamble and under b, Aliens Regulations 2000 (Vv 2000).

<sup>76</sup> B8/10 Aliens Act Implementation Guidelines 2000 (Vc 2000); Section 3.48 Aliens Decree 2000 (Vb 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Special statuses for children	
Status [G] Westernised school-going minor women	
b) Administrative decision/regulation/circular? c) Other (e.g. case law)?	
When is application for the national protection status possible: Immediately, as part of a single procedure examining the need for international protection? b) Immediately, as part of a separate procedure? c) After exhausting the asylum procedure in-country? d) Other (please explain).	<b>d)</b> A requirement for this residence permit is that the term of residence in the Netherlands must be at least eight years. This is calculated from the date of the first application for a temporary asylum residence permit to the application for a temporary regular residence permit. <sup>77</sup>
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	<b>a)</b> Application takes place in the Netherlands.
Briefly outline the procedure in terms of: — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; — Existing timelines and notification of the (first instance) decision, information to the beneficiary	The application is filed with the Immigration and Naturalisation Service (IND), responsible for processing asylum applications and applications for regular residence. Subsequently, the IND will investigate whether the applicant meets the requirements. If this is the case, the IND will issue a temporary regular residence permit.  After receiving the application, the IND will send a letter stating the date on which the application has been received and the decision term. The statutory decision term is 90 days from the date of application for applications for a humanitarian residence permit on temporary grounds for westernised minor women. <sup>78</sup> The IND informs the applicant of the decision by means of a letter.
<b>Appeal procedures</b>	
Is there an appeal in the event of a negative decision? <b>Yes/Ne</b>	Yes
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the decision by the IND on their application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
If yes, is it: - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain)	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
Does the appeal have an automatic suspensive effect? <b>Yes/Ne</b> <u>If no</u> , can it be requested and what is the procedure in this case?	Yes, as a general rule, the objection has a suspensive effect unless one of the exceptions applies. These include, for example, the circumstance in which the third-country national poses a threat to public order.

<sup>77</sup> B8/10.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>78</sup> Section 25, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Special statuses for children	
Status [G] Westernised school-going minor women	
	Appeal does not have a suspensive effect. However, the third-country national is generally allowed to await a petition for a provisional ruling on Dutch territory. Exceptions to this are: a. when a second or repeat petition for a provisional ruling is concerned; b. the application for a residence permit has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (Awb); c. objections against this for reasons of public order (including public peace) or national security; d. it would obstruct removal; or e. in case of abuse of rights. (see B1/7.3 Vc)
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the international protection procedure</u> ?	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	No, the return decision is issued simultaneously with the negative decision on the residence permit applied for. <sup>79</sup> Depending on the question whether objection or appeal against the negative decision has a suspensive effect either ipso jure or as a result of a court judgment, the consequences of the return decision will also be suspended.
If there is no possibility for appeal, please explain what happens.	Not applicable.
<b>Change of status</b>	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a) International protection status? (please specify which) b) Other legal migration statuses? (please specify which)	If an application is rejected or not renewed, the applicant may file a new application for both <b>(a)</b> international protection and <b>(b)</b> other legal migration statuses. While it is possible to apply for another status, the chance that the application will be granted is minimal.
<b>Relevant case law</b>	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b>  If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.  <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 3 : Rationale for national protection status and determination procedure

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):
Other (national protection) grounds
Status [H] Discretionary power

<sup>79</sup> Section 27, sub 1, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Other (national protection) grounds	
Status [H] Discretionary power	
<b>Background</b>	
<p>Why was the status adopted?</p> <p><i>* please briefly brief outline of the policy background that led to the adoption of this status</i></p>	<p>The discretionary power is intended for special, unforeseen cases for which no policy has been developed and where, in strictly individual cases, there is a necessity to grant a residence permit. These special individual circumstances are usually considered dire. The State Secretary for Justice and Security is expected to use his discretionary power sparingly.<sup>80</sup></p>
In what year was this status established?	Unknown.
<p>Is this status established on:</p> <p>a) A permanent basis?</p> <p>b) A temporary (or ad-hoc) basis?</p> <p>c) If it is temporary/ad-hoc, when did/will it cease operation?</p>	<p>a) It is an implicit statutory power which the State Secretary for Justice and Security <i>may</i> use. However, the Minister of Justice and Security decided to abolish this current power as of January 2019. Instead, the head of the IND will be given the power to assess ex officio upon first application whether there is a dire situation as a result of a combination of special circumstances per 1 May 2019.<sup>81</sup> In this table only the current discretionary power of the State Secretary for Justice and Security is described and the new situation is not further elaborated upon. See Q7 for more information.</p>
<b>Legal basis</b>	
<p>Is the <i>status</i> set out in:</p> <p>a) Legislation?</p> <p>b) Administrative decision/regulation/circular?</p> <p>c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate</p>	<p>a) Pursuant to Section 3.4, sub 3, of the Aliens Decree 2000 (Vb 2000), the State Secretary for Justice and Security may grant a third-country national a residence permit with a different restriction than those restrictions listed in the first subsection of section 3.4.</p>
<b>Eligibility</b>	
Who is eligible to receive this status?	Everyone with dire personal circumstances.
<b>Determination procedure</b>	
<p>Is an application procedure set out in:</p> <p>a) Legislation?</p> <p>b) Administrative decision/regulation/circular?</p> <p>c) Other (e.g. case law)?</p>	<p>c) The procedure is set out in internal (non-public) work instructions.</p>
<p>When is application for the national protection status possible:</p> <p>a) Immediately, as part of a single procedure examining the need for international protection?</p> <p>b) Immediately, as part of a separate procedure?</p> <p>c) After exhausting the asylum procedure in-country?</p> <p>d) Other (please explain).</p>	<p>d) There are various ways to request the State Secretary for Justice and Security to make use of his discretionary power. The State Secretary for Justice and Security may decide to use his discretionary power ex officio, but third-country nationals may also file an application themselves. In certain cases, third parties may also request the State Secretary for Justice and Security to use his discretionary power.</p>

<sup>80</sup> *Parliamentary Papers II*, 2011-2012, 19637, no 1546.

<sup>81</sup> *Parliamentary Papers II*, 2018-2019, 19637, no 2459.

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Other (national protection) grounds	
Status [H] Discretionary power	
Where does the application take place: a) In the territory of your State? b) In a third country? c) Both are possible.	a) This application must be filed in the Netherlands.
Briefly outline the procedure in terms of: — Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u> ; — Existing timelines and notification of the (first instance) decision, information to the beneficiary	The application form is received by the Immigration and Naturalisation Service (IND). In the assessment of an application, the IND may request information from the Repatriation and Departure Service (DT&V), the Central Agency for the Reception of Asylum Seekers (COA) and the Directorate for Migration Policy (DMB) if this is deemed necessary. The application is assessed on its own merits. The State Secretary for Justice and Security will ultimately take the decision.
<b>Appeal procedures</b>	
Is there an appeal in the event of a negative decision? <b>Yes/No</b>	Yes, it is only not possible to lodge an appeal against the written reply to requests from third parties. <sup>82</sup>
If yes, is it a two-level system of appeal or one level?	Three consecutive levels are possible. If a third-country national disagrees with the decision by the IND on their application, s/he may object to this decision. If the third-country national disagrees with the decision on the objection, s/he may launch an appeal against this latter decision. Subsequently, the option remains to appeal to a higher court against this appeal decision.
If yes, is it: - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain)	The objection procedure is a procedure under administrative law (administrative appeal). An appeal is submitted to a district court (judicial appeal), and an appeal to a higher court is submitted to the Administrative Jurisdiction Division of the Council of State.
Does the appeal have an automatic suspensive effect? <b>Yes/No</b> <u>If no</u> , can it be requested and what is the procedure in this case?	Yes, as a general rule, the objection has a suspensive effect unless one of the exceptions applies. These include, for example, the circumstance in which the third-country national poses a threat to public order.  Appeal does not have a suspensive effect. However, the third-country national is generally allowed to await a petition for a provisional ruling on Dutch territory. Exceptions to this are: a. when a second or repeat petition for a provisional ruling is concerned; b. the application for a residence permit has been rejected pursuant to Chapter 4, Section 6 of the General Administrative Law Act (Awb); c. objections against this for reasons of public order (including public peace) or national security; d. it would obstruct removal; or e. in case of abuse of rights.  (see B1/7.3 Vc)

<sup>82</sup> Administrative Jurisdiction Division of the Council of State (ABRvS) 21 July 2015, ECLI:NL:RVS:2015:2423.

## Comparative overview of national protection statuses in the EU

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Other (national protection) grounds	
Status [H] Discretionary power	
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	Yes.
If the decision on the appeal is negative, will it result in a return decision being issued? <b>Yes/No</b>	No, the return decision is issued simultaneously with the negative decision on the residence permit applied for. <sup>83</sup> Depending on the question whether objection or appeal against the negative decision has a suspensive effect either ipso jure or as a result of a court judgment, the consequences of the return decision will also be suspended.
If there is no possibility for appeal, please explain what happens.	Not applicable.
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a) International protection status? (please specify which) b) Other legal migration statuses? (please specify which)	If an application is rejected or not renewed, the applicant may file a new application in both cases (a and b). While it is possible to apply for another status, the chance that the application will be granted is minimal.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b>  If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.  <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

**Q6. If yes to Q1** and indicated in Tables 1 and 2 types of non-harmonised protection status(es), please also fill in **Table 4 for each status**. Please add as many tables as necessary, completing one table per status, clearly referring to the name/title of the status used in Table 3.

**Table 4: Content of protection of national statuses**

Status [A] Suspension of departure for medical reasons (Section 64 of the Aliens Act)  <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<b>Residence permit</b>				

<sup>83</sup> Section 27, sub 1, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [A] Suspension of departure for medical reasons (Section 64 of the Aliens Act) <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Issuance of a residence permit required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In this case, no residence permit is issued. This only concerns suspension of departure. The third-country national does, however, receive a certificate for suspension of departure. If the third-country national possesses a valid travel document, the IND places a sticker indicating suspension of departure in it. If the third-country national does not have one, s/he receives a letter from the IND containing the duration of suspension of departure, or a so-called W2 document <sup>84</sup> (if suspension of departure is more than six weeks). <sup>85</sup>
Validity of the first residence permit (or initial length) (in years)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable.
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the third-country national expects to need longer suspension of departure than one year or the time stated in the medical advice by the IND, s/he may again apply for suspension of departure. <sup>86</sup>
Validity of the residence permit after renewal? (in years)	-	-	-	Not applicable.
Time period required to be entitled to permanent residence permit (in years) <sup>87</sup>	-	-	-	Not applicable.
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable.
<b>Travel document</b>				
Is a travel document issued ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In this case, no travel document is issued. This only concerns suspension of departure.
If so, what type of document is it ?	-	-	-	
Validity (in years)	-	-	-	
<b>Accommodation</b>				

<sup>84</sup> This document is intended for third-country nationals who are awaiting the outcome of their regular procedure. It is not a valid residence or travel document.

<sup>85</sup> Government Gazette, 2017, no 50078.

<sup>86</sup> Public work instruction WI 2018/16, Section 64, Aliens Act 2000 (Vw 2000).

<sup>87</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.



## Comparative overview of national protection statuses in the EU

Status [A] Suspension of departure for medical reasons (Section 64 of the Aliens Act) <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Third-country nationals who have been granted suspension of departure on the basis of Section 64 can stay in a reception facility of the Central Agency for the Reception of Asylum Seekers (COA). However, unlike for third-country nationals who hold a residence permit and are staying in a reception facility, COA will not mediate for regular housing in a municipality after stay in the facility
Access to specific schemes/programmes to support access to accommodation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In principle, third-country nationals who have been granted (temporary) suspension of departure on the basis of Section 64 are eligible for reception by COA. There are a few exceptions to this. If a person does not have a history under asylum law and is awaiting a decision about their suspension of departure on the basis of Section 64, s/he does not have a right to reception. <sup>88</sup>
Dispersal mechanism? <sup>89</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				
Right to family reunification ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If a third-country national is granted suspension of departure because it is not safe to travel in their medical condition, family members who are already in the Netherlands may also be granted suspension of departure, but there is no right to family reunification while departure has been suspended. <sup>90</sup>
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- unmarried partner ( <i>e.g. registered partnership, cohabitation, attested long term relationship</i> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- underage partner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- dependent parents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>88</sup> Section 3, sub 1 and sub 3, under f and g, Asylum Seekers and Other Categories of Aliens (Provisions) Regulations 2005 (Rva 2015).

<sup>89</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

<sup>90</sup> A3/7.1.2 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Status [A] Suspension of departure for medical reasons (Section 64 of the Aliens Act) <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
- parents of UAMs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				Not applicable.
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- other (e.g. criminal record, medical certificate)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is there an equivalent of a 'grace period' <sup>91</sup> during which no material conditions are required?  If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not applicable.
What is the validity of the residence permit of the family member?	-	-	-	Not applicable.
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	In case of suspension of departure, work in the Netherlands is not permitted.
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>92</sup> Free recognition of qualifications is, however, only accessible to persons participating in an obligatory civic integration programme. Hence this does not apply to Status A.
<b>Social assistance</b>				
Social assistance limited to core benefits ?  <i>*please note definition of 'core benefits' in the introduction</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Holders of this status are entitled to the same assistance as asylum seekers. <sup>93</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This status gives third-country nationals access to medical care under the basic health insurance package available to every Dutch resident. <sup>94</sup>

<sup>91</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

<sup>92</sup> Information was provided by among others a member of Nuffic staff on 16/04/2019.

<sup>93</sup> Section 3, sub 3, under f and g, and Section 9, Asylum Seekers and Other Categories of Aliens (Provisions) Regulations 2005 (Rva 2015).

## Comparative overview of national protection statuses in the EU

Status [A] Suspension of departure for medical reasons (Section 64 of the Aliens Act) <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This status gives third-country nationals access to medical care under the basic health insurance package available to every Dutch resident. <sup>95</sup>
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, third-country nationals have access to treatment available to every Dutch resident, corresponding with the basic package. This includes the special treatment referred to. <sup>96</sup>  As long as the third-country national stays in the COA reception facility, s/he falls under the healthcare scheme applicable to asylum seekers. Via the medical care available at the central reception, specialised healthcare may be solicited, and COA will ensure that persons who are in need of specific care, for example because they have been exposed to serious forms of violence, receive this care. <sup>97</sup>
<b>Education</b>				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the Netherlands, every child between 5 and 16 years receives compulsory education. This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education. <sup>98</sup>
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the third-country national is in reception by COA, s/he may attend the educational programmes available to third-country nationals in their return phase. An example of this is the future training, focused on preparing these third-country nationals for return and stimulating independent return. <sup>99</sup>
<b>Integration</b>				

<sup>94</sup> Pursuant to Section 11, Aliens Act 2000 (Vw 2000), a third-country national is entitled to facilities corresponding with the nature of residence. If third-country nationals stay in reception, they are subject to the Asylum Seekers (Medical Care) Regulation (RMA). Its content largely corresponds with the basic healthcare insurance package applicable to Dutch nationals.

<sup>95</sup> Section 11, Aliens Act 2000 (Vw 2000), see comment in previous footnote

<sup>96</sup> Section 11, Aliens Act 2000 (Vw 2000), see comment in previous footnote

<sup>97</sup> Section 18, under b and c, Asylum Seekers and Other Categories of Aliens (Provisions) Regulations 2005 (Rva 2015).

<sup>98</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).

<sup>99</sup> For more information, see: <https://www.coa.nl/nl/asielopvang/vertrek-uit-de-opvang/rol-coa-bij-terugkeer> [in Dutch]. Consulted on 6 June 2019.

## Comparative overview of national protection statuses in the EU

Status [A] Suspension of departure for medical reasons (Section 64 of the Aliens Act) <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Third-country nationals whose departure has been suspended on the basis of Section 64 do not have to participate in a compulsory civic integration programme. Therefore, they do not have access to mainstream support for integration.
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
<b>End of protection</b>				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See explanation below.
How can national protection end?				
- The person no longer qualifies for protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In case of clinical hospitalisation, the IND grants suspension of departure for the duration of hospitalisation to a maximum of half a year. The granted suspension of departure on the basis of Section 64, Aliens Act, lapses two weeks after hospitalisation has ended.<sup>100</sup></p> <p>The IND will also terminate suspension of departure on the basis of Section 64, Aliens Act, if a third-country national in whom tuberculosis has been diagnosed absconds from medical treatment and if there is no longer a risk of contagion.<sup>101</sup></p> <p>Furthermore, the IND will revoke the granted suspension of departure if the third-country national has worked insufficiently actively on:</p> <ul style="list-style-type: none"> <li>• the investigation by the Repatriation and Departure Service (DT&amp;V) into the actual access to medical care in the country of origin;</li> <li>• effecting their departure.<sup>102</sup></li> </ul>
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Residence on the basis of suspension of departure is always terminated when it is discovered that protection was obtained through fraud. <sup>103</sup>
- Status ceased	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>100</sup> A3/7.3.2.8 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>101</sup> A3/7.3.2.7 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>102</sup> A3/7.3.1 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>103</sup> Sections 18 and 19, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [A] Suspension of departure for medical reasons (Section 64 of the Aliens Act) <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
- Status can no longer be renewed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other (please explain)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Naturalisation/citizenship acquisition</b>				
Minimum legal residence required to apply for citizenship/naturalisation  <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				Not applicable, because no residence permit is issued in case of Section 64: it only concerns suspension of departure.
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				
Please describe the extent to which the status offers				
a) <u>more</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) <u>same or</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- <u>less favourable conditions</u> compared to either refugee or subsidiary protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Because this does not concern a residence permit, the applicant has less rights than if s/he had a residence permit. If the third-country national is granted suspension of departure on the basis of Section 64, s/he is, for example, not entitled to social security benefits or integration benefits. The third-country national is also not allowed to work and is not entitled to family reunification. In some cases, s/he is, however, entitled to reception in a COA facility. <sup>104</sup>
<b>Relevant case law</b>				
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b>  If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.  <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See table 3

Table 4: Content of protection of national statuses

<sup>104</sup> For more information about the various family reunification procedures, please see: EMN Report, 'Gezinshereniging van derdelanders in Nederland' ['Family Reunification of Third-Country Nationals in the Netherlands'], <https://www.emnnetherlands.nl/sites/default/files/2018-03/2017-Gezinshereniging%20van%20derdelanders%20in%20Nederland.pdf>, consulted on 24/4/2019.

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is issued, with the restriction of 'medical treatment.'
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Initially, the residence permit has a one-year validity. <sup>105</sup>  If medical treatment is permanently connected to the Netherlands in the opinion of the Minister of Justice and Security, a permit for five years may be issued. <sup>106</sup>
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The residence permit can be renewed if the medical situation remains unchanged after expiration of the first year.
Validity of the residence permit after renewal? (in years)	-	-	-	Each time, the residence permit may be renewed for no more than one year. <sup>107</sup>
Time period required to be entitled to permanent residence permit (in years) <sup>108</sup>	-	-	-	After having held the <u>Temporary</u> Humanitarian status of 'Medical treatment' or having been granted one year of suspension of departure on the basis of Section 64 and subsequently having held the <u>Temporary</u> Humanitarian status of 'Medical treatment', the third-country national may apply for the <u>Non-temporary</u> Humanitarian residence permit 'After residence in connection with medical treatment.' <sup>109</sup>
Does this time period differ from the general rule for applying for permanent residence permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Third-country nationals who have been staying in the Netherlands with a valid residence permit for five years are eligible for a permanent residence permit under certain circumstances. <sup>110</sup>

<sup>105</sup> B8/9 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>106</sup> Section 3.58, Aliens Decree 2000 (Vw 2000).

<sup>107</sup> Section 3.58/1, Aliens Decree 2000 (Vb 2000).

<sup>108</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

<sup>109</sup> B8/9 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>110</sup> Section 21, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<b>Travel document</b>				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain circumstances, a third-country national with a valid residence permit may apply for a travel document for third-country nationals. <sup>111</sup> This enables the holder to travel outside of the Netherlands.
If so, what type of document is it ?	-	-	-	This is an alien's passport: a special passport for third-country nationals. The document is valid in all countries with the exception of the country whose nationality the third-country national holds.
Validity (in years)	-	-	-	This document is valid until the date on which the third-country national's residence permit expires, with a minimum validity of one year and a maximum validity of three years. <sup>112</sup>
<b>Accommodation</b>				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Access to specific schemes/programmes to support access to accommodation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dispersal mechanism? <sup>113</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				

<sup>111</sup> Section 11, sub 2, under a, Netherlands Passport Implementation Regulation 2001.

<sup>112</sup> Section 16 Netherlands Passport Implementation Regulation 2001.

<sup>113</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Family members of the holder of this status are eligible for a residence permit if they are already staying in the Netherlands or have travelled together with the main applicant (sponsor). This concerns a partner over the age of 21 and biological children. If the sponsor is a minor child, his/her parents and minor brothers or sisters are also eligible for a residence permit.<sup>114</sup></p> <p>It is also possible to apply for family reunification with the partner and minor children.</p>
<p>Eligible family members, for example:</p> <ul style="list-style-type: none"> <li>- partner in a legal marriage or in a comparable relationship</li> <li>- unmarried partner (<i>e.g. registered partnership, cohabitation, attested long term relationship</i>)</li> <li>- underage partner</li> <li>- minor child (beneficiary's and/or partner's; foster or adopted child)</li> <li>- adult dependent children (beneficiary's and/or partner's or adopted child)</li> <li>- brother or sisters</li> <li>- dependent parents</li> <li>- parents of UAMs</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Only if the partner is over 21 years of age.<sup>115</sup></p> <p>Only if the partner is over 21 years of age.<sup>116</sup></p> <p>Biological and legal children who are in the sponsor's custody.<sup>117</sup></p>
<p>Material requirements sponsor must guarantee, for example:</p> <ul style="list-style-type: none"> <li>- accommodation</li> <li>- health insurance</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The sponsor is the main applicant in possession of a valid residence permit.<sup>118</sup></p>

<sup>114</sup> B7/3.5 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>115</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>116</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>117</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>118</sup> Section 2, Aliens Act 2000 (Vw 2000).



## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The sponsor must sustainably and independently possess sufficient means of sustenance. This does not apply if the third-country national was granted one year of suspension of departure pursuant to Section 64, Aliens Act. <sup>119</sup>
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The sponsor has the obligation to provide information <sup>120</sup> and keep records. <sup>121</sup> S/he must also sign an Antecedents Certificate if s/he is twelve years of age or older. <sup>122</sup>
Is there an equivalent of a 'grace period' <sup>123</sup> during which no material conditions are required? If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	The validity of the residence permit is equal to the validity of the main applicant's residence permit. <sup>124</sup>
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Work is not allowed for this status. <sup>125</sup>
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>126</sup> Free recognition of qualifications is only accessible to persons participating in an obligatory civic integration programme. Hence this does not apply to Status B.
<b>Social assistance</b>				

<sup>119</sup> Section 3.46, sub 4, Aliens Decree 2000 (Vb 2000).

<sup>120</sup> Sections 4.17, 4.18 and 4.25, Aliens Regulations 2000 (Vv 2000).

<sup>121</sup> Section 4.38, Aliens Regulations 2000 (Vv 2000).

<sup>122</sup> Section 3.77, sub 11, Aliens Decree 2000 (Vb 2000).

<sup>123</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

<sup>124</sup> B7/4 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>125</sup> B9/9.2 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>126</sup> Information was provided by among others a member of Nuffic staff on 16/04/2019.

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Social assistance limited to core benefits ?  <i>*please note definition of 'core benefits' in the introduction</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A third-country national with a temporary regular residence permit is in principle entitled to the same social security benefits as Dutch citizens.  Holders of the Temporary Humanitarian residence permit for 'Medical treatment' are not entitled to social assistance benefits. The third-country national must possess sufficient means of existence. <sup>127</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>128</sup>
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country nationals has access to the medical services available to every Dutch resident. <sup>129</sup>
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country nationals has access to the medical services available to every Dutch resident, so this includes the specific support referred to. <sup>130</sup>
<b>Education</b>				

<sup>127</sup> B8/9.1.1, Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>128</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>129</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>130</sup> Section 11, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In the Netherlands, every child between 5 and 16 years receives compulsory education. This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education.<sup>131</sup></p> <p>If a minor third-country national without basic qualification is ill, s/he may temporarily be exempted from compulsory education.<sup>132</sup></p> <p>Also after reaching the age of 18, any person with lawful residence in the Netherlands may register with an educational institution.<sup>133</sup> Access to education is the same as access for Dutch citizens.</p>
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Integration</b>				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Holders of a temporary residence permit are not obliged to participate in a civic integration programme, so neither are they with this status. <sup>134</sup>
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
<b>End of protection</b>				

<sup>131</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).

<sup>132</sup> Section 12, Compulsory Education Act 1969 (Lpw 1969).

<sup>133</sup> UAF (2015). *Informatie over de rechten en plichten van asielzoekers in relatie tot het hoger onderwijs. [Information about the rights and obligations of asylum seekers with respect to higher education.]* Consulted on 17 April 2019.

<sup>134</sup> Section 3, sub 1, Civic Integration Act (Wi)

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A residence permit may be revoked and an application for renewal of the residence permit can be rejected if the requirements are no longer met. <sup>135</sup>
How can national protection end?  - The person no longer qualifies for protection  - Protection was fraudulently acquired  - Status ceased  - Status can no longer be renewed  - Other (please explain)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The permit may be revoked in case of non-compliance with the restriction under which the permit was granted or a provision to which the permit is subject.<sup>136</sup></p> <p>National protection is always terminated if it is discovered that this protection was acquired fraudulently.<sup>137</sup></p> <p></p> <p></p> <p>The permit may be revoked if the third-country national poses a threat to public order or national security.<sup>138</sup></p>
<b>Naturalisation/citizenship acquisition</b>				

<sup>135</sup> Section 18, sub f, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>136</sup> Sections 18 and 19, Aliens Act 2000 (Vw 2000).

<sup>137</sup> Section 18, sub c, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>138</sup> Section 18, sub e, and Section 19, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<p>Minimum legal residence required to apply for citizenship/naturalisation</p> <p><i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i></p>				<p>A third-country national who has had five years of continued residence in the Netherlands with a valid residence permit is eligible for naturalisation under certain conditions.<sup>139</sup> Eligibility is, however, only open to those persons who hold a permanent residence permit. This means that a temporary humanitarian permit for 'medical treatment' does not directly offer the possibility of naturalisation, since this is a temporary permit. However, the number of years that one has possessed this temporary permit does count towards the five years of continued residence in the Netherlands.</p>
<p><b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b></p>				
<p>Please describe the extent to which the status offers</p> <p><i>a) more</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p><i>b) same or</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p><i>c) less favourable conditions compared to either refugee or subsidiary protection?</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A temporary regular residence permit is always granted under the restriction of a specific purpose of residence. Unlike an asylum residence permit, a regular residence permit (with different restrictions) may not always confer the same rights. In general, the rights arising from an asylum residence permit are stronger than the rights arising from a regular residence permit, also for this status.</p>
<p><b>Relevant case law</b></p>				

<sup>139</sup> Section 8, Netherlands Nationality Act 1984 (Rwn 1984).

## Comparative overview of national protection statuses in the EU

Status [B] Medical treatment	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
<p>Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b></p> <p>If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.</p> <p><i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See table 3 for status B.

Table 4: Content of protection of national statuses

Status [C] After residence in connection with medical treatment	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is issued, with the restriction of 'non-temporary humanitarian grounds'. <sup>140</sup>
Validity of the first residence permit (or initial length) (in years)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The residence permit is granted for no longer than five years. <sup>141</sup>
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Validity of the residence permit after renewal? (in years)	–	–	–	The residence permit may be renewed for no longer than five years each time. <sup>142</sup>
Time period required to be entitled to permanent residence permit (in years) <sup>143</sup>	–	–	–	Third-country nationals who have had five years of residence in the Netherlands with a valid residence permit are eligible for a permanent residence permit under certain conditions. <sup>144</sup>
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Travel document</b>				

<sup>140</sup> B9/9 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>141</sup> Section 3.58, Aliens Decree (Vw) 2000.

<sup>142</sup> Section 3.58, Aliens Decree (Vw) 2000.

<sup>143</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

<sup>144</sup> Section 21, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [C] After residence in connection with medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain circumstances, a third-country national with a valid residence permit may apply for a travel document for third-country nationals. <sup>145</sup> This enables the holder to travel outside of the Netherlands.
If so, what type of document is it ?	-	-	-	This is an alien's passport: a special passport for third-country nationals. The document is valid in all countries with the exception of the country whose nationality the third-country national holds.
Validity (in years)	-	-	-	This document is valid until the date on which the third-country national's residence permit expires, with a minimum validity of one year and a maximum validity of three years. <sup>146</sup>
<b>Accommodation</b>				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Access to specific schemes/programmes to support access to accommodation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dispersal mechanism? <sup>147</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under conditions, family members of holders of a non-temporary humanitarian residence permit granted after residence in connection with medical treatment may be eligible for an independent non-temporary humanitarian residence permit. <sup>148</sup> In addition, it is possible to apply for family reunification with the partner and minor children.
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only if the partner is over 21 years of age. <sup>149</sup>
- unmarried partner ( <i>e.g. registered partnership, cohabitation, attested long term relationship</i> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only if the partner is over 21 years of age. <sup>150</sup>
- underage partner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>145</sup> Section 11, sub 2, under a, Netherlands Passport Implementation Regulation 2001.

<sup>146</sup> Section 16 Netherlands Passport Implementation Regulation 2001.

<sup>147</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

<sup>148</sup> B9/8.5 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>149</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>150</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

## Comparative overview of national protection statuses in the EU

Status [C] After residence in connection with medical treatment	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Biological and legal children who are in the sponsor's custody. <sup>151</sup>
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- dependent parents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				The sponsor is the main applicant in possession of a valid residence permit. <sup>152</sup>
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The sponsor has the obligation to provide information and keep records. S/he must also sign an Antecedents Certificate if s/he is twelve years of age or older. <sup>153</sup>
Is there an equivalent of a 'grace period' <sup>154</sup> during which no material conditions are required?  If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	The validity of the residence permit is five years. <sup>155</sup>
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Holders of a residence permit on the basis of residence after residence in connection with medical treatment are allowed to work in the Netherlands and do not need a work permit for third-country nationals (TWV) to do so. <sup>156</sup>

<sup>151</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>152</sup> Section 2, Aliens Act 2000 (Vw 2000).

<sup>153</sup> Section 3.77, sub 11, Aliens Decree (Vb) 2000.

<sup>154</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

<sup>155</sup> B9/8.5 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>156</sup> IND (2017). Werkinstructie 2017/3 - Richtlijnen voor afgifte van arbeidsmarktaantekening bij verblijf langer dan drie maanden. [Work instruction 2017/3 - Guidelines for the issuance of an indication of work status upon longer residence than three months.] [https://ind.nl/Documents/WI\\_2017-3.pdf](https://ind.nl/Documents/WI_2017-3.pdf) Consulted on 18 April 2019.



## Comparative overview of national protection statuses in the EU

Status [C] After residence in connection with medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Everyone who is obliged to participate in a civic integration programme can apply for recognition of qualifications free of charge, so this includes this status. In addition, recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>157</sup>
<b>Social assistance</b>				
Social assistance limited to core benefits ? <i>*please note definition of 'core benefits' in the introduction</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A third-country national with a non-temporary regular residence permit is in principle entitled to the same social security benefits as Dutch citizens. <sup>158</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>159</sup>
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident. <sup>160</sup>
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident, so this includes the specific support referred to. <sup>161</sup>
<b>Education</b>				

<sup>157</sup> Information was provided by among others a member of Nuffic staff on 16/04/2019.

<sup>158</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>159</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>160</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>161</sup> Section 11, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [C] After residence in connection with medical treatment	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In the Netherlands, every child between 5 and 16 years receives compulsory education. This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Those children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education.<sup>162</sup></p> <p>If a minor third-country national without basic qualification is ill, s/he may temporarily be exempted from compulsory education.<sup>163</sup></p> <p>Also after reaching the age of 18, any person with lawful residence in the Netherlands may register with an educational institution.<sup>164</sup> Access to education is the same as access for Dutch citizens.</p>
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Integration</b>				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Third-country nationals with this status are obliged to participate in a civic integration programme. Civic integration must be financed by the third-country national him/herself; however, a loan can be taken out to finance it. Furthermore, it is possible for all third-country nationals with a residence status (so including this status) to do various language and civic integration courses. To finance this, money can be borrowed from the government in some cases (for example when the newcomer is obliged to participate in a civic integration programme, as is the case for this status). Self-study packages and voluntary language coaches are also available to learn the language.</p>
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	

<sup>162</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).

<sup>163</sup> Section 12, Compulsory Education Act 1969 (Lpw 1969).

<sup>164</sup> UAF (2015). *Informatie over de rechten en plichten van asielzoekers in relatie tot het hoger onderwijs. [Information about the rights and obligations of asylum seekers with respect to higher education.]* Consulted on 17 April 2019.

## Comparative overview of national protection statuses in the EU

Status [C] After residence in connection with medical treatment	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
<b>End of protection</b>				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A residence permit may be revoked and an application for renewal of the residence permit can be rejected if the requirements are no longer met. <sup>165</sup>
How can national protection end?				Because this concerns a non-temporary humanitarian status, it will not be revoked if the applicant no longer meets the requirements. <sup>166</sup>
- The person no longer qualifies for protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	National protection is always terminated if it is discovered that this protection was acquired fraudulently. <sup>167</sup>
- Status ceased	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Status can no longer be renewed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other (please explain)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit may be revoked if the third-country national poses a threat to public order or national security. <sup>168</sup>
<b>Naturalisation/citizenship acquisition</b>				
Minimum legal residence required to apply for citizenship/naturalisation  <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				A third-country national who has had five years of continued residence in the Netherlands with a valid residence permit is eligible for naturalisation under certain conditions. <sup>169</sup> Eligibility is, however, only open to those persons who hold a permanent residence permit. Therefore, this is possible for holders of the temporary humanitarian permit 'after residence in connection with medical treatment.' Considering that third-country nationals with the non-temporary humanitarian status 'after residence in connection with medical treatment' held a different permit prior to this status (status A and/or B), they will already have had a number of years of continued residence.
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				
Please describe the extent to which the status offers  <i>a) more</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>165</sup> Section 18, sub f, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>166</sup> B9/17, Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>167</sup> Section 18, sub c, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>168</sup> Section 18, sub e, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>169</sup> Section 8, Netherlands Nationality Act 1984 (Rwn 1984).

## Comparative overview of national protection statuses in the EU

Status [C] After residence in connection with medical treatment <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
b) same or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c) less favourable conditions compared to either refugee or subsidiary protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is always granted under the restriction of a specific purpose of residence. Unlike an asylum residence permit, a regular residence permit (with different restrictions) may not always confer the same rights. In general, the rights arising from an asylum residence permit are stronger than the rights arising from a regular residence permit, also for this status. For example where family reunification is concerned, the conditions are more favourable for beneficiaries of international protection. They are, for example, not charged a fee, and there is no requirement regarding means of support and the circle of family members who are eligible for family reunification is larger. <sup>170</sup>
<b>Relevant case law</b>				
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b>  If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.  <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 4: Content of protection of national statuses

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is issued, with the restriction of 'temporary humanitarian grounds.'

<sup>170</sup> For more information about the various family reunification procedures, please see: EMN Report, 'Gezinshereniging van derdelanders in Nederland' ['Family Reunification of Third-Country Nationals in the Netherlands'], <https://www.emnnetherlands.nl/sites/default/files/2018-03/2017-Gezinshereniging%20van%20derdelanders%20in%20Nederland.pdf>, consulted on 24/4/2019.

## Comparative overview of national protection statuses in the EU

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit with the restriction of 'non-temporary humanitarian grounds' is issued for five years. <sup>171</sup>
Possibilities of renewal/extension?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The idea is that after the permit has expired, it has become clear whether the UAM can return or not. If return is not possible, the UAM (who will often have reached the age of majority after expiration of the permit) may apply for a permanent residence permit. After five years, the no-fault criterion should in fact also be weighted in the assessment for permanent residence, perhaps this time without the requirement of adequate reception, because the UAM has possibly reached the age of majority.
Validity of the residence permit after renewal? (in years)	-	-	-	Not applicable.
Time period required to be entitled to permanent residence permit (in years) <sup>172</sup>	-	-	-	Under certain circumstances, an application for a permanent residence permit may be filed upon expiration of the permit for 'UAM unable to leave the Netherlands through no fault of their own.' <sup>173</sup>
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Travel document</b>				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain circumstances, a third-country national with a valid residence permit may apply for a travel document for third-country nationals. <sup>174</sup> This enables the holder to travel outside of the Netherlands.
If so, what type of document is it ?	-	-	-	This is an alien's passport: a special passport for third-country nationals. The document is valid in all countries with the exception of the country whose nationality the third-country national holds.
Validity (in years)	-	-	-	This document is valid until the date on which the third-country national's residence permit expires, with a minimum validity of one year and a maximum validity of three years. <sup>175</sup>
<b>Accommodation</b>				

<sup>171</sup> Section 3.58, Aliens Decree 2000 (Vb 2000).

<sup>172</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

<sup>173</sup> Section 3.92, Aliens Decree 2000 (Vb 2000).

<sup>174</sup> Section 11, sub 2, under a, Netherlands Passport Implementation Regulation 2001.

<sup>175</sup> Section 16 Netherlands Passport Implementation Regulation 2001.

## Comparative overview of national protection statuses in the EU

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If an application for asylum was filed first and the UAM subsequently becomes holder of Status D, the same conditions for accommodation apply as for beneficiaries of international protection. Holders of this status will then fall under the so-called target number of beneficiaries of international protection to be provided with housing by municipalities, which is determined every half year.
Access to specific schemes/programmes to support access to accommodation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Up to and including the age of 14, UAMs are in principle placed in a foster family by Nidos Foundation. <sup>176</sup> UAMs under the age of 15 who cannot be placed in a foster family and UAMs older than 15 years are provided with reception in small-scale housing facilities. <sup>177</sup> Depending on a third-country national's residence status, this reception is provided by Nidos Foundation on the one hand (for UAMs who have been granted a residence permit) and COA on the other (for UAMs who are still awaiting the decision on their application for residence and UAMs whose application has been rejected).
Dispersal mechanism? <sup>178</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Since UAMs rarely have a partner (in marriage or otherwise), this rarely occurs in practice.
- unmarried partner (e.g. registered partnership, cohabitation, attested long term relationship)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Since UAMs rarely have a partner (in marriage or otherwise), this rarely occurs in practice.
- underage partner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Since UAMs rarely have minor children, this rarely occurs in practice.
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>176</sup> Nidos Foundation is an independent (family) guardianship organisation and implements the guardianship task for UAMs.

<sup>177</sup> *Parliamentary Papers II*, 2013-2014, 27 062, no 95.

<sup>178</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

## Comparative overview of national protection statuses in the EU

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
- dependent parents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blood relatives of the first degree in the direct ascending line, so parents or adoptive parents, are eligible for family reunification under certain conditions. <sup>179</sup>
Material requirements sponsor must guarantee, for example:				The sponsor is the main applicant in possession of a valid residence permit. <sup>180</sup>
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An income requirement applies to UAMs with a temporary regular residence permit. <sup>181</sup>
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The sponsor has the obligation to provide information <sup>182</sup> and keep records. <sup>183</sup> S/he must also sign an Antecedents Certificate if s/he is twelve years of age or older. <sup>184</sup>
Is there an equivalent of a 'grace period' <sup>185</sup> during which no material conditions are required?  If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A holder of the residence permit of UAM unable to leave the Netherlands through no fault of their own is allowed to work in the Netherlands and does not need a work permit for third-country nationals (TWV). <sup>186</sup>

<sup>179</sup> Section 3.24a, Aliens Decree 2000 (Vb 2000).

<sup>180</sup> Section 2, Aliens Act 2000 (Vw 2000).

<sup>181</sup> Section 3.24a, Aliens Decree 2000 (Vb 2000).

<sup>182</sup> Sections 4.17, 4.18 and 4.25, Aliens Regulations 2000 (Vv 2000).

<sup>183</sup> Section 4.38, Aliens Regulations 2000 (Vv 2000).

<sup>184</sup> Section 3.77, sub 11, Aliens Decree 2000 (Vb 2000).

<sup>185</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

<sup>186</sup> B8/6.4 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>187</sup> Free recognition of qualifications is only accessible to persons participating in an obligatory civic integration programme. Hence this is not accessible to holders of Status D.
<b>Social assistance</b>				
Social assistance limited to core benefits ? <i>*please note definition of 'core benefits' in the introduction</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A third-country national with a temporary regular residence permit is in principle entitled to the same social security benefits as Dutch citizens. <sup>188</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>189</sup>
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident. <sup>190</sup>
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident, so this includes the specific support referred to. <sup>191</sup>
<b>Education</b>				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the Netherlands, every child between 5 and 16 years receives compulsory education. <sup>192</sup> This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Those children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education. <sup>193</sup> Hence, access to education is the same as access for Dutch citizens.

<sup>187</sup> Information was provided by among others a member of Nuffic staff on 16/04/2019.

<sup>188</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>189</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>190</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>191</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>192</sup> Section 3, Compulsory Education Act 1969 (Lpw 1969).

<sup>193</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).



## Comparative overview of national protection statuses in the EU

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	International preparatory classes (ISCs) are available for UAMs in secondary education, which specifically focus on teaching the Dutch language. In these classes, small groups and double staffing are used. <sup>194</sup>
<b>Integration</b>				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UAMs are not obliged to participate in civic integration programmes because they have a temporary residence permit and are receiving compulsory education. <sup>195</sup>
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Youth care centres which have been contracted by Nidos Foundation are working on the integration of UAMs in Dutch society and the transition towards an independent life when they reach the age of 18. <sup>196</sup> For example, Nidos Foundation has drawn up a guide together with the Association of Netherlands Municipalities (VNG), which forms a guideline for the cooperation agreements between among other parties Nidos Foundation, the contract partner and the municipality, to facilitate as smooth a transfer of the UAM to the municipality as possible once s/he reaches the age of 18 years.
If so, how long is the support granted for?	-	-	-	In principle until the UAM reaches the age of 18. After this, the municipality is responsible. The municipality may choose to allocate additional funding for the integration of UAMs. The level and duration of the counselling and (financial) assistance offered depends on the municipality.
<b>End of protection</b>				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit may be revoked if it was obtained dishonestly, <sup>197</sup> if the third-country national poses a threat to public order or security or if it becomes evident from age testing that the third-country national was an adult at the time of application for residence. <sup>198</sup>

<sup>194</sup> Education Council (2017). *Vluchtelingen en Onderwijs. [Refugees in Education.]*

<https://www.onderwijsraad.nl/upload/documents/publicaties/volledig/Vluchtelingen-en-onderwijs.pdf>. Consulted on 2 April 2019.

<sup>195</sup> <https://www.rijksoverheid.nl/onderwerpen/nieuw-in-nederland/vraag-en-antwoord/moet-ik-als-nieuwkomer-inburgeren> [in Dutch]. Consulted on 18 April 2019. Information provided by staff member of the Directorate for Migration Policy (DMB), 23 May 2019.

<sup>196</sup> Association of Netherlands Municipalities (VNG) and Home Again Platform (Platform Opnieuw Thuis) (2016). *Alleenstaande Minderjarige Vreemdelinge (AMV's). [Unaccompanied minors (UAMs).]* <https://vng.nl/files/vng/20160531-factsheet-amv.pdf> Consulted on 2 April 2019.

<sup>197</sup> *Parliamentary Papers II*, 2011/12, 27 062, no 75.

<sup>198</sup> B8/6.3 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<p>How can national protection end?</p> <ul style="list-style-type: none"> <li data-bbox="197 461 639 488">- The person no longer qualifies for protection</li> <li data-bbox="197 880 571 907">- Protection was fraudulently acquired</li> <li data-bbox="197 1010 368 1037">- Status ceased</li> <li data-bbox="197 1077 536 1104">- Status can no longer be renewed</li> <li data-bbox="197 1144 440 1171">- Other (please explain)</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>The IND will revoke the permit if the third-country national does not comply with the restriction under which the permit was granted or a provision to which the permit is subject.<sup>199</sup> The idea behind granting a no-fault permit is that the minor child has a real perspective on residence in the Netherlands. Withdrawing the permit if the third-country national reaches the age of 18 is therefore not in question. Only specific grounds may form a reason to withdraw the permit, particularly with a situation in mind where the UAM's parents have been located and the UAM can be reunited with them.<sup>200</sup></p> <p>National protection is always terminated if it is discovered that this protection was acquired fraudulently.<sup>201</sup></p> <p>The permit may be revoked if the third-country national poses a threat to public order or national security.<sup>202</sup></p>
<b>Naturalisation/citizenship acquisition</b>				
<p>Minimum legal residence required to apply for citizenship/naturalisation</p> <p><i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i></p>				<p>A third-country national who has had five years of continued residence in the Netherlands with a valid residence permit is eligible for naturalisation under certain conditions.<sup>203</sup></p> <p>Eligibility is, however, only open to those persons who hold a permanent residence permit. This means that a temporary humanitarian permit for a 'UAM unable to leave the Netherlands through no fault of their own' does not directly offer the possibility of naturalisation, since this is a temporary permit. However, the number of years that one has possessed this temporary permit does count towards the five years of continued residence in the Netherlands.</p>
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				

<sup>199</sup> B8/6.3 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>200</sup> *Parliamentary Papers II*, 2009-2010, 27 062, no 64.

<sup>201</sup> Section 18, sub c, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>202</sup> Section 18, sub e, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>203</sup> Section 8, Netherlands Nationality Act 1984 (Rwn 1984).

## Comparative overview of national protection statuses in the EU

Status [D] UAM unable to leave the Netherlands through no fault of their own <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Please describe the extent to which the status offers <i>a) more</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<i>b) same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<i>c) less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is always granted under the restriction of a specific purpose of residence. Unlike an asylum residence permit, a regular residence permit (with different restrictions) may not always confer the same rights. In general, the rights arising from an asylum residence permit are stronger than the rights arising from a regular residence permit, also for this status. For example, stricter requirements for family reunifications apply to UAMs with a regular residence permit.
<b>Relevant case law</b>				
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b>  If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.  <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 4: Content of protection of national statuses

Status [E] Placement in a foster family or institution in the Netherlands <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, when an application is granted, a temporary regular residence permit is issued with the restriction of temporary humanitarian grounds.
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The residence permit is granted for no longer than one year.
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The residence permit is only renewed if the minor is still placed in a foster family or institution in the Netherlands.

## Comparative overview of national protection statuses in the EU

Status [E] Placement in a foster family or institution in the Netherlands	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
Validity of the residence permit after renewal? (in years)	-	-	-	The residence permit may be renewed for no more than one year. <sup>204</sup>
Time period required to be entitled to permanent residence permit (in years) <sup>205</sup>	-	-	-	Third-country nationals who have had five years of residence in the Netherlands with a valid residence permit are eligible for a permanent residence permit under certain conditions. <sup>206</sup>
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Travel document</b>				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain circumstances, a third-country national with a valid residence permit may apply for a travel document for third-country nationals. <sup>207</sup> This enables the holder to travel outside of the Netherlands.
If so, what type of document is it ?	-	-	-	This is an alien's passport: a special passport for third-country nationals. The document is valid in all countries with the exception of the country whose nationality the third-country national holds.
Validity (in years)	-	-	-	This document is valid until the date on which the third-country national's residence permit expires, with a minimum validity of one year and a maximum validity of three years. <sup>208</sup>
<b>Accommodation</b>				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The foster child will be placed in a foster family or institution, making access to other accommodation irrelevant.
Access to specific schemes/programmes to support access to accommodation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Idem.
Dispersal mechanism? <sup>209</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				

<sup>204</sup> Section 3.58, Aliens Decree 2000 (Vb 2000).

<sup>205</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

<sup>206</sup> Section 21, Aliens Act 2000 (Vw 2000).

<sup>207</sup> Section 11, sub 2, under a, Netherlands Passport Implementation Regulation 2001.

<sup>208</sup> Section 16 Netherlands Passport Implementation Regulation 2001.

<sup>209</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

## Comparative overview of national protection statuses in the EU

Status [E] Placement in a foster family or institution in the Netherlands <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Right to family reunification ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Applications for family reunification with a child who has been placed in a foster family or institution on the basis of the 1996 Hague Convention on Protection of Children (HCPC) are rarely made. After all, this status exists because the child is unable to stay with their family.
Eligible family members, for example:				Not applicable.
- partner in a legal marriage or in a comparable relationship	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- unmarried partner (e.g. registered partnership, cohabitation, attested long term relationship)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- underage partner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- dependent parents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				Not applicable.
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- other (e.g. criminal record, medical certificate)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is there an equivalent of a 'grace period' <sup>210</sup> during which no material conditions are required?  If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not applicable.
What is the validity of the residence permit of the family member?	-	-	-	
<b>Labour market and qualifications</b>				

<sup>210</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

## Comparative overview of national protection statuses in the EU

Status [E] Placement in a foster family or institution in the Netherlands	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
Specific conditions to be granted access (e.g. hold work permit)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A holder of a residence permit on grounds of placement in a foster family or institution does not need a work permit for third-country nationals (TWV) to work in the Netherlands.
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>211</sup> Free recognition of qualifications is only accessible to persons participating in an obligatory civic integration programme. Hence this does not apply to Status E.
<b>Social assistance</b>				
Social assistance limited to core benefits ?  <i>*please note definition of 'core benefits' in the introduction</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A third-country national with a temporary regular residence permit is in principle entitled to the same social security benefits as Dutch citizens. <sup>212</sup>  Moreover, the child's foster parents are entitled to a so-called fostering allowance (government-funded allowance), since they incur extra costs. This allowance is meant for food and drink, care, school supplies and pocket money among other things. <sup>213</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>214</sup>
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>215</sup>
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident, so this includes the specific support referred to. <sup>216</sup>
<b>Education</b>				

<sup>211</sup> Information was provided by among others a member of Nuffic staff on 16/04/2019.

<sup>212</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>213</sup> Pleegzorg Nederland [Foster Care Netherlands]. <https://pleegzorg.nl/pleegouders/financiele-regelingen/>. Consulted on 5 April 2019.

<sup>214</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>215</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>216</sup> Section 11, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [E] Placement in a foster family or institution in the Netherlands <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the Netherlands, every child between 5 and 16 years receives compulsory education. <sup>217</sup> This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Those children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education. <sup>218</sup> Access to education is the same as access for Dutch citizens.
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Integration</b>				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Holders of a temporary residence permit are not obliged to participate in a civic integration programme, so neither are they with this status.
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
<b>End of protection</b>				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A residence permit may be revoked and an application for renewal of the residence permit can be rejected if the requirements are no longer met. <sup>219</sup>
How can national protection end?				If placement in a foster family or institution is ended, this permit will be withdrawn.
- The person no longer qualifies for protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	National protection is always terminated if it is discovered that this protection was acquired fraudulently. <sup>220</sup>
- Status ceased	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Status can no longer be renewed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>217</sup> Section 3, Compulsory Education Act 1969 (Lpw 1969).

<sup>218</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).

<sup>219</sup> Section 18, sub f, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>220</sup> Section 18, sub c, and Section 19, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [E] Placement in a foster family or institution in the Netherlands <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
- Other (please explain)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The permit may be revoked if the third-country national poses a threat to public order or national security. <sup>221</sup>
<b>Naturalisation/citizenship acquisition</b>				
Minimum legal residence required to apply for citizenship/naturalisation  <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				A third-country national who has had five years of continued residence in the Netherlands with a valid residence permit is eligible for naturalisation under certain conditions. <sup>222</sup>  Eligibility is, however, only open to those persons who hold a permanent residence permit. This means that a temporary humanitarian permit for 'placement in a foster family or institution' does not directly offer the possibility for naturalisation, since this is a temporary permit. However, the number of years that one has possessed this temporary permit does count towards the five years of continued residence in the Netherlands.
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				
Please describe the extent to which the status offers				
a) <i>more</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) <i>same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c) <i>less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is always granted under the restriction of a specific purpose of residence. Unlike an asylum residence permit, a regular residence permit (with different restrictions) may not always confer the same rights. In general, the rights arising from an asylum residence permit are stronger than the rights arising from a regular residence permit, also for this status.
<b>Relevant case law</b>				

<sup>221</sup> Section 18, sub e, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>222</sup> Section 8, Netherlands Nationality Act 1984 (Rwn 1984).



## Comparative overview of national protection statuses in the EU

Status [E] Placement in a foster family or institution in the Netherlands	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
<p>Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b></p> <p>If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.</p> <p><i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 4: Content of protection of national statuses

Status[F] Final Regulation for long-term resident children	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is issued, with the restriction of 'non- temporary humanitarian grounds.' <sup>1</sup>
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit with the restriction of 'non-temporary humanitarian grounds' is issued for five years. <sup>223</sup>
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, this is possible. <sup>224</sup>
Validity of the residence permit after renewal? (in years)	–	–	–	An extension of the validity of the residence permit is valid for a period of five years. <sup>225</sup>
Time period required to be entitled to permanent residence permit (in years) <sup>226</sup>	–	–	–	Third-country nationals who have had five years of residence in the Netherlands with a valid residence permit are eligible for a permanent residence permit under certain conditions. <sup>227</sup>
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Travel document</b>				

<sup>223</sup> Section 3.58, Aliens Decree 2000 (Vb 2000).

<sup>224</sup> Section 3.51, sub 3, Aliens Decree (Vb), Section 3.24a, sub 2, preamble and under b, Aliens Regulations (Vv)

<sup>225</sup> Section 3.58, Aliens Decree 2000 (Vb 2000).

<sup>226</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

<sup>227</sup> Section 21, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status[F] Final Regulation for long-term resident children <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Is a travel document issued?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain circumstances, a third-country national with a valid residence permit may apply for a travel document for third-country nationals. <sup>228</sup> This enables the holder to travel outside of the Netherlands.
If so, what type of document is it?	-	-	-	This is an alien's passport: a special passport for third-country nationals. The document is valid in all countries with the exception of the country whose nationality the third-country national holds.
Validity (in years)	-	-	-	This document is valid until the date on which the third-country national's residence permit expires, with a minimum validity of one year and a maximum validity of three years. <sup>229</sup>
<b>Accommodation</b>				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Access to specific schemes/programmes to support access to accommodation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dispersal mechanism? <sup>230</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The IND may also grant a permit to family members who were part of the family on the reference date of 29 January 2019 (and are likely to be in the Netherlands), unless the actual family relationship has broken down at the time of assessment.<sup>231</sup></p> <p>This concerns parents, minor brothers and sisters, and adult brothers and sisters (if they were part of the family on the reference date); in case of breakdown of the relationship with the aforementioned family members, a permit may be granted to a partner of 18 years and older and to the sponsor's minor children.</p> <p>Theoretically speaking, it is possible to apply for family reunification with the partner and children who are not in the Netherlands. However, this will rarely occur in practice.</p>

<sup>228</sup> Section 11, sub 2, under a, Netherlands Passport Implementation Regulation 2001.

<sup>229</sup> Section 16, sub 2, under a, Netherlands Passport Implementation Regulation 2001.

<sup>230</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

<sup>231</sup> B9/6.5 Aliens Act Implementation Guidelines 2000 (Vc 2000).

## Comparative overview of national protection statuses in the EU

Status[F] Final Regulation for long-term resident children <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Considering that holders of this status rarely have a partner (in marriage or otherwise), this is primarily a theoretical possibility which rarely occurs in practice.
- unmarried partner (e.g. registered partnership, cohabitation, attested long term relationship)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Considering that holders of this status rarely have a partner (in marriage or otherwise), this is primarily a theoretical possibility which rarely occurs in practice.
- underage partner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Considering that holders of this status rarely have minor children, this is primarily a theoretical possibility which rarely occurs in practice.
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This will mostly concern brothers and sisters who are already in the Netherlands, see explanation above.
- dependent parents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See explanation above. This will mostly concern parents who are already in the Netherlands.
Material requirements sponsor must guarantee, for example:				The sponsor is the main applicant in possession of a valid residence permit. <sup>232</sup>
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The sponsor has the obligation to provide information and keep records. S/he must also sign an Antecedents Certificate if s/he is twelve years of age or older. <sup>233</sup>
Is there an equivalent of a 'grace period' <sup>234</sup> during which no material conditions are required?  If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>232</sup> Section 2, Aliens Act 2000 (Vw 2000); Section 3.2.2, Aliens Decree 2000 (Vb 2000).

<sup>233</sup> Section 3.77, sub 11, Aliens Decree 2000 (Vb 2000).

<sup>234</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

## Comparative overview of national protection statuses in the EU

Status[F] Final Regulation for long-term resident children <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
What is the validity of the residence permit of the family member?	-	-	-	
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Holders of a residence permit on grounds of the final regulation are allowed to work in the Netherlands and do not need a work permit for third-country nationals (TWV) to do so. <sup>235</sup>
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>236</sup> Free recognition of qualifications is only accessible to persons participating in an obligatory civic integration programme. Hence this does not apply to Status F.
<b>Social assistance</b>				
Social assistance limited to core benefits ? <i>*please note definition of 'core benefits' in the introduction</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A third-country national with a temporary regular residence permit is in principle entitled to the same social security benefits as Dutch citizens. <sup>237</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>238</sup>
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident. <sup>239</sup>
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident, so this includes the specific support referred to. <sup>240</sup>
<b>Education</b>				

<sup>235</sup> B9/16, Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>236</sup> Information was provided by among others a member of Nuffic staff on 16/04/2019.

<sup>237</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>238</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>239</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>240</sup> Section 11, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status[F] Final Regulation for long-term resident children <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the Netherlands, every child between 5 and 16 years receives compulsory education. <sup>241</sup> This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Those children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education. <sup>242</sup> Hence, access to education is the same as access for Dutch citizens.
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Integration</b>				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Holders of this status are not obliged to participate in civic integration programmes because they have a temporary residence permit and are receiving compulsory education. <sup>243</sup>
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
<b>End of protection</b>				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A residence permit may be revoked and an application for renewal of the residence permit can be rejected if the requirements are no longer met. <sup>244</sup>
How can national protection end?				
- The person no longer qualifies for protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	National protection is always terminated if it is discovered that this protection was acquired fraudulently. <sup>245</sup>

<sup>241</sup> Section 3, Compulsory Education Act 1969 (Lpw 1969).

<sup>242</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).

<sup>243</sup> <https://www.rijksoverheid.nl/onderwerpen/nieuw-in-nederland/vraag-en-antwoord/moet-ik-als-nieuwkomer-inburgeren> [in Dutch]. Consulted on 18 April 2019.

<sup>244</sup> Section 18, sub f, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>245</sup> Section 18, sub c, and Section 19, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status[F] Final Regulation for long-term resident children <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
- Status ceased	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Status can no longer be renewed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other (please explain)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit may be revoked if the third-country national poses a threat to public order or national security. <sup>246</sup>
<b>Naturalisation/citizenship acquisition</b>				
<p>Minimum legal residence required to apply for citizenship/naturalisation</p> <p><i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i></p>				<p>A third-country national who has had five years of continued residence in the Netherlands with a valid residence permit is eligible for naturalisation under certain conditions.<sup>247</sup></p> <p>Eligibility is, however, only open to those persons who hold a permanent residence permit. This means that a temporary humanitarian permit for Status F does not directly offer the possibility for naturalisation, since this is a temporary permit. However, the number of years that one has possessed this temporary permit does count towards the five years of continued residence in the Netherlands.</p>
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				
Please describe the extent to which the status offers				
<i>a) more</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<i>b) same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<i>c) less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is always granted under the restriction of a specific purpose of residence. Unlike an asylum residence permit, a regular residence permit (with different restrictions) may not always confer the same rights. In general, the rights arising from an asylum residence permit are stronger than the rights arising from a regular residence permit, also for this status. For example where family reunification is concerned, the conditions are more favourable for beneficiaries of international protection. They are, for example, not charged a fee, and there is no means requirement and the circle of family members who are eligible for family reunification is larger.
<b>Relevant case law</b>				

<sup>246</sup> Section 18, sub e, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>247</sup> Section 21, Aliens Act 2000 (Vw 2000); Section 8, Netherlands Nationality Act 1984 (Rwn 1984).

## Comparative overview of national protection statuses in the EU

Status[F] Final Regulation for long-term resident children <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<p>Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <b>Yes/No</b></p> <p>If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.</p> <p><i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 4: Content of protection of national statuses

Status [G] Westernised school-going minor women <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, when an application is granted, a temporary regular residence permit is issued.
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit with the restriction of 'non-temporary humanitarian grounds' is issued for one year.
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As long as the situation in the country of origin remains unchanged, it is possible to renew this permit under certain circumstances. If the situation were to change, this ground would lapse and renewal would not be possible. If the applicant is guilty of fraud or poses a threat to public order, the permit will not be renewed. <sup>248</sup>
Validity of the residence permit after renewal? (in years)	–	–	–	Each time, the permit may be renewed for no more than one year. <sup>249</sup>
Time period required to be entitled to permanent residence permit (in years) <sup>250</sup>	–	–	–	Third-country nationals who have had five years of residence in the Netherlands with a valid residence permit are eligible for a permanent residence permit under certain conditions. <sup>251</sup>

<sup>248</sup> Section 18, sub c and sub e, Aliens Act 2000 (Vw 2000).

<sup>249</sup> Section 3.59, Aliens Decree 2000 (Vb 2000).

<sup>250</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

<sup>251</sup> Section 21, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [G] Westernised school-going minor women <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Travel document</b>				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain circumstances, a third-country national with a valid residence permit may apply for a travel document for third-country nationals. <sup>252</sup> This enables the holder to travel outside of the Netherlands.
If so, what type of document is it ?	-	-	-	This is an alien's passport: a special passport for third-country nationals. The document is valid in all countries with the exception of the country whose nationality the third-country national holds.
Validity (in years)	-	-	-	This document is valid until the date on which the third-country national's residence permit expires, with a minimum validity of one year and a maximum validity of three years. <sup>253</sup>
<b>Accommodation</b>				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Access to specific schemes/programmes to support access to accommodation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	An exception applies when the asylum application was filed first and the minor woman subsequently becomes holder of Status G. If the minor woman is still in reception of the Central Agency for the Reception of Asylum Seekers (COA) at the time this regular permit is granted, she will fall under the so-called target number of beneficiaries of international protection to be provided with housing by municipalities, which is determined every half year.
Dispersal mechanism? <sup>254</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				

<sup>252</sup> Section 11, sub 2, under a, Netherlands Passport Implementation Regulation 2001.

<sup>253</sup> Section 16 Netherlands Passport Implementation Regulation 2001.

<sup>254</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.



## Comparative overview of national protection statuses in the EU

Status [G] Westernised school-going minor women <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain conditions, a residence permit is granted to minor brothers and/or sisters and adult brothers and/or sisters who are still part of the family. In addition, the parents of the westernised woman may independently be eligible for a temporary humanitarian residence permit. <sup>255</sup> In addition, an application may theoretically speaking be filed for reunification with the partner or minor children; however, this will rarely happen in practice.
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Considering that westernised minor women rarely have a partner (in marriage or otherwise), this is primarily a theoretical possibility which rarely occurs in practice.
- unmarried partner ( <i>e.g. registered partnership, cohabitation, attested long term relationship</i> )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Considering that westernised minor women rarely have a partner (in marriage or otherwise), this is primarily a theoretical possibility which rarely occurs in practice.
- underage partner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Considering that westernised minor women rarely have minor children, this is primarily a theoretical possibility which rarely occurs in practice.
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- dependent parents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				The sponsor is the main applicant in possession of a valid residence permit. <sup>256</sup>
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>255</sup> B8/10.2 Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>256</sup> Section 2, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [G] Westernised school-going minor women <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The sponsor has the obligation to provide information <sup>257</sup> and keep records. <sup>258</sup> She must also sign an Antecedents Certificate if she is twelve years of age or older. <sup>259</sup>
Is there an equivalent of a 'grace period' <sup>260</sup> during which no material conditions are required?  If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	The residence permit of family members is granted for a period of one year.
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A holder of a residence permit on grounds of being a westernised school-going minor woman does not need a work permit for third-country nationals (TWV) to work in the Netherlands.
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>261</sup> Free recognition of qualifications is only accessible to persons participating in an obligatory civic integration programme. Hence this does not apply to Status G.
<b>Social assistance</b>				
Social assistance limited to core benefits ?  <i>*please note definition of 'core benefits' in the introduction</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A third-country national with a temporary regular residence permit is in principle entitled to the same social security benefits as Dutch citizens. <sup>262</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>263</sup>
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident. <sup>264</sup>

<sup>257</sup> Sections 4.17, 4.18 and 4.25, Aliens Regulations 2000 (Vv 2000).

<sup>258</sup> Section 4.38, Aliens Regulations 2000 (Vv 2000).

<sup>259</sup> Section 3.77, sub 11, Aliens Decree (Vb) 2000.

<sup>260</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

<sup>261</sup> Information was provided by among others a member of Nuffic staff (Nuffic is the Dutch organisation for internationalisation in higher education in the Netherlands) on 16/04/2019.

<sup>262</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>263</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>264</sup> Section 11, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [G] Westernised school-going minor women	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all necessary medical care (including emergency health care) as it is accessible to every Dutch resident, so this includes the specific support referred to. <sup>265</sup>
<b>Education</b>				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the Netherlands, every child between 5 and 16 years receives compulsory education. <sup>266</sup> This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Those children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education. <sup>267</sup> Hence access to education is the same as access for Dutch citizens.
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This is not applicable, considering that minor women who are eligible for this permit must have had at least eight years of residence in the Netherlands and one requirement is that they are going to school.
<b>Integration</b>				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Holders of this status are not obliged to participate in civic integration programmes because they have a temporary residence permit and are receiving compulsory education. <sup>268</sup>
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
<b>End of protection</b>				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A residence permit may be revoked and an application for renewal of the residence permit can be rejected if the requirements are no longer met. <sup>269</sup>

<sup>265</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>266</sup> Section 3, Compulsory Education Act 1969 (Lpw 1969).

<sup>267</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).

<sup>268</sup> <https://www.rijksoverheid.nl/onderwerpen/nieuw-in-nederland/vraag-en-antwoord/moet-ik-als-nieuwkomer-inburgeren> [in Dutch]. Consulted on 18 April 2019.

<sup>269</sup> Section 18, sub f, and Section 19, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [G] Westernised school-going minor women	Yes	No	Other	Details
<i>Please insert name as used in Table 3</i>				
How can national protection end?				
- The person no longer qualifies for protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	National protection is always terminated if it is discovered that this protection was acquired fraudulently. <sup>270</sup>
- Status ceased	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the situation changes in the country of origin, this ground for a permit will lapse. As a result, the purpose of residence and the status itself will also lapse.
- Status can no longer be renewed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other (please explain)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit may be revoked if the third-country national poses a threat to public order or national security. <sup>271</sup>
<b>Naturalisation/citizenship acquisition</b>				
Minimum legal residence required to apply for citizenship/naturalisation  <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				A third-country national who has had five years of continued residence in the Netherlands with a valid residence permit is eligible for naturalisation under certain conditions. <sup>272</sup>  Eligibility is, however, only open to those persons who hold a permanent residence permit. This means that a temporary humanitarian permit for Status G does not directly offer the possibility for naturalisation, since this is a temporary permit. However, the number of years that one has possessed this temporary permit does count towards the five years of continued residence in the Netherlands.
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				
Please describe the extent to which the status offers				
<i>a) more</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<i>b) same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>270</sup> Section 18, sub c, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>271</sup> Section 18, sub e, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>272</sup> Section 8, Netherlands Nationality Act 1984 (Rwn 1984).

## Comparative overview of national protection statuses in the EU

Status [G] Westernised school-going minor women <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
c) <i>less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is always granted under the restriction of a specific purpose of residence. Unlike an asylum residence permit, a regular residence permit (with different restrictions) may not always confer the same rights. In general, the rights arising from an asylum residence permit are stronger than the rights arising from a regular residence permit, also for this status. For example where family reunification is concerned, the conditions are more favourable for beneficiaries of international protection. They are, for example, not charged a fee, and there is no means requirement and the circle of family members who are eligible for family reunification is larger.
<b>Relevant case law</b>				
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? <i>Yes/No</i>  If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.  <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No, there is no relevant case law that has led to systemic changes in the procedure concerning this status.

Table 4: Content of protection of national statuses

Status [H] Discretionary power <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, when an application is granted, a residence permit is issued. <sup>273</sup>
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit with the restriction of 'non-temporary humanitarian grounds' is issued for five years. <sup>274</sup>

<sup>273</sup> In table 4 the former discretionary power of the State Secretary is described and the new situation will not be elaborated upon. See Q7 for more information.

<sup>274</sup> Section 3.58, Aliens Decree 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [H] Discretionary power <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As long as the situation remains unchanged, it is possible to renew this permit under certain circumstances. If the situation were to change, this ground would lapse and renewal would not be possible. If the applicant is guilty of fraud or poses a threat to public order, the permit will not be renewed. <sup>275</sup>
Validity of the residence permit after renewal? (in years)	-	-	-	A temporary regular residence permit with the restriction of 'non-temporary humanitarian grounds' is issued for five years. <sup>276</sup>
Time period required to be entitled to permanent residence permit (in years) <sup>277</sup>	-	-	-	Third-country nationals who have had five years of residence in the Netherlands with a valid residence permit are eligible for a permanent residence permit under certain conditions. <sup>278</sup>
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Travel document</b>				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under certain circumstances, a third-country national with a valid residence permit may apply for a travel document for third-country nationals. <sup>279</sup> This enables the holder to travel outside of the Netherlands.
If so, what type of document is it ?	-	-	-	This is an alien's passport: a special passport for third-country nationals.
Validity (in years)	-	-	-	This document is valid until the date on which the third-country national's residence permit expires, with a minimum validity of one year and a maximum validity of three years. <sup>280</sup>
<b>Accommodation</b>				
Access to accommodation (on the same basis as other legally residing third-country nationals) ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>275</sup> Section 18, sub c and sub e, Aliens Act 2000 (Vw 2000).

<sup>276</sup> Section 3.58, Aliens Decree 2000 (Vw 2000).

<sup>277</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

<sup>278</sup> Section 21, Aliens Act 2000 (Vw 2000).

<sup>279</sup> Section 11 Netherlands Passport Implementation Regulation 2001.

<sup>280</sup> Section 16 Netherlands Passport Implementation Regulation 2001.

## Comparative overview of national protection statuses in the EU

Status [H] Discretionary power <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to specific schemes/programmes to support access to accommodation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	An exception applies when the asylum application was filed first and the applicant subsequently becomes holder of Status H. If a holder of Status H is still in reception of the Central Agency for the Reception of Asylum Seekers (COA) at the time this regular permit is granted, s/he will fall under the so-called target number of beneficiaries of international protection to be provided with housing by municipalities, which is determined every half year.
Dispersal mechanism? <sup>281</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Family reunification</b>				
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only if the partner is over 21 years of age. <sup>282</sup>
- unmarried partner ( <i>e.g. registered partnership, cohabitation, attested long term relationship</i> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Only if the partner is over 21 years of age. <sup>283</sup>
- underage partner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Biological and legal children who are in the sponsor's custody. <sup>284</sup>
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- dependent parents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				The sponsor is the main applicant in possession of a valid residence permit. <sup>285</sup>
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>281</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

<sup>282</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>283</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>333</sup> Section 3.14, Aliens Decree 2000 (Vb 2000).

<sup>285</sup> Section 2, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [H] Discretionary power <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
- other (e.g. criminal record, medical certificate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The sponsor has the obligation to provide information <sup>286</sup> and keep records. <sup>287</sup> S/he must also sign an Antecedents Certificate if s/he is twelve years of age or older. <sup>288</sup>
Is there an equivalent of a 'grace period' <sup>289</sup> during which no material conditions are required?  If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	The residence permit is valid for the validity period of the sponsor's residence permit.
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Holders of a temporary humanitarian residence permit on the basis of the Discretionary Power are allowed to work in the Netherlands and do not need a work permit for third-country nationals (TWV) to do so. <sup>290</sup>
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognition of qualifications may be requested at a fee; in principle this is accessible to everyone. <sup>291</sup> Free recognition of qualifications is only accessible to persons participating in an obligatory civic integration programme. Hence this is not accessible to holders of Status H.
<b>Social assistance</b>				
Social assistance limited to core benefits ?  <i>*please note definition of 'core benefits' in the introduction</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A third-country national with a temporary regular residence permit is in principle entitled to the same social security benefits as Dutch citizens. <sup>292</sup>
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care (including emergency health care) available to every Dutch resident. <sup>293</sup>

<sup>286</sup> Sections 4.17, 4.18 and 4.25, Aliens Regulations 2000 (Vv 2000).

<sup>287</sup> Section 4.38, Aliens Regulations 2000 (Vv 2000).

<sup>288</sup> Section 3.77, sub 11, Aliens Decree 2000 (Vb 2000).

<sup>289</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

<sup>290</sup> B9/16, Aliens Act Implementation Guidelines 2000 (Vc 2000).

<sup>291</sup> Information was provided by among others a member of Nuffic staff on 16/04/2019.

<sup>292</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>293</sup> Section 11, Aliens Act 2000 (Vw 2000).



## Comparative overview of national protection statuses in the EU

Status [H] Discretionary power <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident. <sup>294</sup>
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With this status, a third-country national has access to all the necessary medical care available to every Dutch resident, so this includes the specific support referred to. <sup>295</sup>
<b>Education</b>				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In the Netherlands, every child between 5 and 16 years receives compulsory education. <sup>296</sup> This means that the parents or carers must register their school-aged children at a school and that these children must actually go to this school. This also applies to children with a non-Dutch nationality and children who are staying in the Netherlands irregularly. Those children between 16 and 18 years of age who do not have a basic qualification (a minimum level of education) must also receive compulsory education. <sup>297</sup>  Also after reaching the age of 18, any person with lawful residence in the Netherlands may register with an educational institution. <sup>298</sup> Access to education is the same as access for Dutch citizens.
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Integration</b>				

<sup>294</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>295</sup> Section 11, Aliens Act 2000 (Vw 2000).

<sup>296</sup> Section 3, Compulsory Education Act 1969 (Lpw 1969).

<sup>297</sup> Section 4b, Compulsory Education Act 1969 (Lpw 1969).

<sup>298</sup> UAF (2015). *Informatie over de rechten en plichten van asielzoekers in relatie tot het hoger onderwijs.* [Information about the rights and obligations of asylum seekers with respect to higher education.] Consulted on 17 April 2019.

## Comparative overview of national protection statuses in the EU

Status [H] Discretionary power <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Holders of a humanitarian residence permit on non-temporary grounds are obliged to participate in a civic integration programme.<sup>299</sup></p> <p>Civic integration must be financed by the third-country national him/herself; however, a loan can be taken out to finance it.<sup>300</sup></p> <p>Furthermore, it is possible for all third-country nationals with a residence status (so including this status) to do various language and civic integration courses. To finance this, money can be borrowed from the government in some cases (for example when the newcomer is obliged to participate in a civic integration programme). Self-study packages and voluntary language coaches are also available to learn the language.</p>
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
<b>End of protection</b>				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A residence permit may be revoked and an application for renewal of the residence permit can be rejected if the requirements are no longer met. <sup>301</sup>
How can national protection end?				
- The person no longer qualifies for protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	National protection is always terminated if it is discovered that this protection was acquired fraudulently. <sup>302</sup>
- Status ceased	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Status can no longer be renewed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other (please explain)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permit may be revoked if the third-country national poses a threat to public order or national security. <sup>303</sup>
<b>Naturalisation/citizenship acquisition</b>				

<sup>299</sup> Section 3, sub 1, Civic Integration Act (Wi)

<sup>300</sup> Information supplied by a staff member of the Ministry of Social Affairs and Employment (SZW), 2 May 2019.

<sup>301</sup> Section 18, sub f, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>302</sup> Section 18, sub c, and Section 19, Aliens Act 2000 (Vw 2000).

<sup>303</sup> Section 18, sub e, and Section 19, Aliens Act 2000 (Vw 2000).

## Comparative overview of national protection statuses in the EU

Status [H] Discretionary power <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Minimum legal residence required to apply for citizenship/naturalisation  <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				A third-country national who has had five years of continued residence in the Netherlands with a valid residence permit is eligible for naturalisation under certain conditions. <sup>304</sup>  Eligibility is, however, only open to those persons who hold a permanent residence permit. Hence, this is open to a holder of a residence permit under Status H.
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				
Please describe the extent to which the status offers				
<i>a) more</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<i>b) same or</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<i>c) less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A temporary regular residence permit is always granted under the restriction of a specific purpose of residence. Unlike an asylum residence permit, a regular residence permit (with different restrictions) may not always confer the same rights. In general, the rights arising from an asylum residence permit are stronger than the rights arising from a regular residence permit, also for this status.

## Section 3: National debates and challenges as regards national protection statuses

**Q7.** Are the national protection statuses the **subject of debate** in your Member State (e.g. political, academic and civil society debate)? **Yes/No**

Please outline the key debates referencing parliamentary questions or policy documents media, academic literature and commentary or literature from civil society organisations.

Please note that future plans – if any – should be mentioned under question 10.

**Children's pardon and discretionary power**

In recent years, there have been various social and political debates with respect to the policy for long-term resident children in the Netherlands (also called the children's pardon scheme) and the discretionary power of the State Secretary. On the basis of the Definitive Regulation for long-term resident children (DRLVK), children and their family could be granted a residence status under certain circumstances if they had been staying in the Netherlands without a residence status for a number of years. With the discretionary power, the State Secretary for Justice and Security may decide to grant a regular residence permit to a third-country national with a regular residence status on the basis of individual, dire circumstances and if no other policy frameworks are available in which a residence status can be granted.

In recent years, it happened that a number of third-country nationals and their family stayed in the Netherlands, often for a long time, despite several rejections of their application for admission (and the ensuing obligation to depart). In a number of cases, the intention of the Dutch authorities to remove these third-country nationals with their families led to media attention and social and political outcry. This is in part because the children of those third-country nationals in particular had mostly grown up

<sup>304</sup> Section 8, Netherlands Nationality Act 1984 (Rwn 1984).

in the Netherlands and had almost no link with the country of origin as a result. One of the cases concerned the Armenian children Howick and Lili and their mother, who would have to leave the Netherlands after years of conducting admission procedures, but were eventually granted a residence status by means of the discretionary power.<sup>305</sup> In response to this case, the State Secretary for Justice and Security announced in a letter of 10 September 2018 that he would form an independent committee of inquiry to conduct an investigation into all aspects that contribute to the long-term residence of third-country nationals in the Netherlands.<sup>306</sup> Later, on 29 January 2019, the State Secretary announced that he would abolish the DRLVK.<sup>307</sup> The State Secretary also proposed to abolish the discretionary power and to authorise the General Director of the IND instead to assess during the first application procedure for a residence permit whether a residence permit can be granted if dire circumstances are in play. The discretionary power of the State Secretary of Justice and Security was abolished as of 1 May 2019.<sup>308 309</sup>

**Q8. What are the key practical or operational challenges in your Member State regarding national protection statuses?**

Please consider in particular any challenges related to the implementation and uptake of these statuses in practice, challenges observed to ensure consistency with other EU-harmonised protection statuses, etc.

To map out the key practical and operational challenges regarding existing protection statuses in the Netherlands, EMN Netherlands conducted desk research. This to find out among other things whether evaluations of protection statutes are available. Since these are not available, various experts who are dealing with policy on protection statuses have been asked about these challenges. The following three challenges emerged, all contributed by the NGO the Dutch Council for Refugees (VWN):

**1. Challenge regarding suspension of departure on medical grounds (Section 64, Aliens Act 2000, Status A).<sup>310</sup>**

According to VWN, the application for suspension of departure on the basis of Section 64 is perceived as complicated by both the applicant and the medical practitioner. VWN lists the following points:

- The application forms that have to be filled in are sometimes difficult to understand for the applicant and medical practitioner, among other reasons because detailed information is asked and it is not always clear where to fill in certain information. This creates the risk that the applicant/medical practitioner skips certain questions, resulting in an application form that is incomplete or was filled in incorrectly. This may lead to an application not being considered, because of which it can happen that the applicant temporarily does not have lawful residence, resulting in a gap in the applicant's lawful residence. In turn, this can prove an obstacle when eventually filing a further application for a temporary or non-temporary humanitarian residence permit on medical grounds.
- Because of privacy sensitivity or a lack of time, it may happen that the medical practitioner does not supply certain requested information. As a result, the medical file may not be complete, because of which the application is not considered. This can pose a challenge for the applicant, who is not eligible for suspension of departure as a result, or has to file a new application.
- Because lawyers are, in principle, not remunerated for this application (unless it concerns a complex application), a lawyer is often only deployed if an application has been rejected. This is a challenge for the applicant. After all, VWN points out that if a lawyer were involved earlier in the process, non-consideration or rejection could be prevented more often.
- One of the criteria to grant suspension of departure on the basis of Section 64 is that it must be demonstrated that medical treatment is actually inaccessible in the country of origin. The role of VWN in this is to collect information to be able to support that medical care is really not actually accessible for the applicant. However, it is difficult and laborious for VWN staff to gather evidence for this, among other reasons because it has not been established clearly which proof the Immigration and Naturalisation Service requires for this (after all, the IND assesses the proof supplied by VWN, to determine whether suspension of departure will be granted).
- Not every third-country national who applies for suspension of departure on medical grounds is entitled to reception

<sup>305</sup> NOS (2018). *Howick en Lili: de kinderen die toch niet worden uitgezet* [Howick and Lili: the children who will not be deported after all]. <https://nos.nl/artikel/2249564-howick-en-lili-de-kinderen-die-toch-niet-worden-uitgezet.html>. Consulted on 5 April 2019.

<sup>306</sup> *Parliamentary Papers II*, 2017-2018, 19637, no 2420; *Parliamentary Papers II*, 2018-2019, 19637, no 2423.

<sup>307</sup> *Parliamentary Papers II*, 2018-2019, 19637, no 2459.

<sup>308</sup> Bulletin of Acts and Decrees 2019, no 143; <https://ind.nl/nieuws/Paginas/Discretionaire-bevoegdheid-per-1-mei-afgeschaft.aspx> [in Dutch].

<sup>309</sup> The new effect of the regulation has been elaborated in, inter alia, Section 3.6ba, Aliens Decree (Vb).

<sup>310</sup> For more information about this status, please refer to Q5 and Q6.

by the Central Agency for the Reception of Asylum Seekers (COA) from the time their application has been submitted. Only third-country nationals with a history under asylum law are eligible for reception directly when their application is accepted for processing. Third-country nationals without a history under asylum law only become eligible later in the application process (when the third-country national must support that medical treatment is actually inaccessible in the country of origin). This poses a challenge for third-country nationals who fall in this latter group and are in a bad medical condition. According to VWN, they would benefit from an earlier possibility of reception.

### 2. Challenge for the temporary residence permit on medical grounds (Status B)<sup>311</sup>

- According to VWN, the passport requirement for suspension of departure on medical grounds (Section 64, Aliens Act) is not assessed strictly. However, for any further applications for a temporary humanitarian residence permit on medical grounds, the passport requirement is assessed more strictly. This may pose a challenge for applicants for a temporary residence permit who are unable to comply with this.

### 3. Challenge for Final Regulation for long-term resident children (Status F)<sup>312</sup>

- The applicants may consider the fees for an application high (€ 164), in particular when an entire family wishes to apply.
- VWN suspects that many people are unable to meet the requirements for eligibility for this temporary regulation. For example, the applicant must have had five years of residence in the Netherlands after the asylum application, and many people are a few days short of meeting this requirement. This poses a challenge for those who fall just outside the scope of the temporary regulation.
- It was unclear to third-country nationals covered by the reassessment by the government whether a new application had to be filed. VWN issued the advice to do this in all cases; it remains unclear to which extent this advice was followed. This lack of clarity can pose a challenge for the applicant.

**Q9.** Did your (Member) State adopt any **measures to tackle the above-mentioned challenges?** Yes/No

If so, please elaborate.

No, no measures have been adopted to tackle the above-mentioned challenges.

**Q10.** Is your Member State planning to introduce any **new protection statuses** that have been announced publicly (i.e. in the form of official strategy documents, existing draft legislation or proposal)? Yes/No

If so, when and why?

No, at the moment there are no plans to introduce new protection statuses. However, a new medical status was introduced on 1 May 2019: Residence of third-country nationals who are in a terminal phase of illness.<sup>313</sup> This group of third-country nationals does not fall within the policy framework of statuses A to C as described in this study. Previously, cases of third-country nationals who were terminally ill and had no right of residence in the Netherlands were submitted to the State Secretary for Justice and Security with the request to make use of his discretionary power. The expiry of this power (see Q7) has resulted in redesign of policy for the category of third-country nationals who are in a terminal phase of illness. This way, people who are terminally ill can make use of the rights and benefits that arise from the possession of a residence permit and family members can stay with them. Only third-country nationals who are expected to die within six months to one and a half years are eligible for this policy framework. This always concerns somatic diseases, such as cancer. Psychiatric diseases, such as chronic suicidality, do not fall within this framework, as well as HIV, since HIV can usually be treated quite well with medication. Family members who are staying in the Netherlands or travelled along with the sponsor are also eligible for a residence permit. This concerns the partner of at least 21 years of age, children and, if the sponsor is a minor child, parents and minor brothers and sisters.<sup>314</sup>

<sup>311</sup> For more information about this status, please refer to Q5 and Q6.

<sup>312</sup> For more information about this status, please refer to Q5 and Q6.

<sup>313</sup> Government Gazette, 2019, no 24564.

<sup>314</sup> Government Gazette, 2019, no 24564.

**Q11.** Is your Member State planning to **terminate or significantly change** any of the protection statuses currently available? **Yes/No**

If so, when and why?

As mentioned in Q7, the State Secretary of Justice and Security announced that he would terminate the children's pardon and discretionary power.

**Q12.** If applicable, have any of the statuses identified within **the 2010 EMN study**,<sup>315</sup> and within the scope of the present study, ceased to exist or been significantly amended since 2010? **Yes/No**

Alternatively, if your Member State did not participate in the 2010 EMN study, have any statuses within the scope of the present study and available at the time of the study in 2010 ceased to exist or been significantly amended (regarding grounds and content of protection) since 2010? **Yes/No**

If so, how, when and why?

**Yes, a number of admission grounds and statuses that were identified in the earlier study and that fall within the scope of the present study have ceased to exist, have been rearranged, or amended:**

In 2014, the asylum grounds in the Aliens Act 2000 (Vw 2000) were rearranged.<sup>316</sup> This meant that the national grounds for granting asylum under c and d of Section 29, sub 1, Aliens Act 2000 were deleted. Part c provided for the issuance of a residence permit to a third-country national for pressing reasons of a humanitarian nature because of the situation in the country of origin. Part c provided the legal basis for the category-based protection policy. Below it is explained for the c and d grounds how, when and why these national grounds were deleted.

**1. Adjustment of policy for pressing reasons of a humanitarian nature (c ground)**

Previously, it was possible to grant a third-country national an asylum residence permit on the basis of a so-called c ground (Section 29, sub 1, under c, Aliens Act) if s/he could not be expected to return to his/her country of origin on the basis of pressing reasons of a humanitarian nature connected to the reason for their departure from his/her country of origin. The policy was further elaborated in the following categories:

- Traumata policy
- Special individual pressing reasons of a humanitarian nature
- Specific groups

**a. Traumata policy**

The traumata policy was intended to protect third-country nationals who had been confronted with an event of which it was assumed that it was considered traumatic. Under this policy, the event had to be characterised by a breach of human rights. Moreover, it had to be plausible that the perpetrators of these breaches of human rights remained unpunished in the country of origin as a result of the situation in the country of origin. In that case, the third-country national could not be expected to return to the country of origin. With this, the traumata policy protected the third-country national against the confrontation with the unpunished perpetrators. The government established in 2012 that the traumata policy had become redundant because of the European harmonisation of the asylum policy and developments in international case law.<sup>317</sup> The aforementioned policy is now part of the asylum procedure pursuant to Section 29, sub 1, under b, Aliens Act. Apart from that, Section 64 of the Aliens Act also provides an option to refrain from removal if the trauma is of such a severity that it is unsafe to travel in the health condition of the third-country national or that of one of his/her family members (see Q5 and Q6).

**b. Special individual pressing reasons of a humanitarian nature**

<sup>315</sup> *The Different National Practices Concerning Granting of Non-EU-Harmonised Protection Statuses*. Member States that participated in the 2010 EMN study, were Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.

Study is available at : [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/non-eu-harmonised-protection-status/0\\_emn\\_synthesis\\_report\\_noneuharmonised\\_finalversion\\_january2011\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/non-eu-harmonised-protection-status/0_emn_synthesis_report_noneuharmonised_finalversion_january2011_en.pdf).

<sup>316</sup> Bulletin of Acts and Decrees 2013, no 587; Bulletin of Acts and Decrees 2013, no 478.

<sup>317</sup> *Parliamentary Papers II, 2011-2012*, 33 293, no 3.

A residence permit was also granted in case of special, pressing individual circumstances of a humanitarian nature other than traumata, where return to the country of origin could not be expected. However, there was no sound assessment framework for these applications, and applications on this ground were rarely granted. It did, however, emerge that in exceptional situations it was possible to fall back onto this policy, for example in the policy change which led to the possibility of granting a residence permit to westernised school-going minor girls from Afghanistan (see Q5). Because the government wanted to retain the flexibility to decide to grant a permit in such exceptional situations, the choice was made to embed this component of the asylum policy in the regular assessment policy (see Q5 for a further description).

#### c. Specific groups

Previously, it was possible to designate specific groups of asylum seekers who could not reasonably be expected to return to the country of origin. For other reasons than traumata, they also qualified for an asylum residence permit. Since the Aliens Act 2000 (Vw 2000) came into effect, this possibility to designate a specific group was only used twice (single women from Afghanistan and homosexuals, bisexuals and transsexuals from Iran). Because there was no further policy framework and the application of this ground did not differ substantially from the possibility to identify risk groups and vulnerable minority groups in the country-specific policy within the context of the assessment for a refugee status (or Section 3 ECHR respectively), it was decided to abolish this national ground.

## 2. Termination of category-based protection policy (d ground)

### *Description of d ground*

Previously, a third-country national could be granted an asylum residence permit on the basis of the so-called d ground of Section 29.1 (d) of the Aliens Act if returning them to the country of origin was particularly harsh as a result of the overall situation there. This d ground did not offer protection on individual grounds, but group protection, or category-based protection. This category-based protection policy meant that asylum seekers from a country (or certain part of a country) and/or belonging to a certain population group were in principle granted a temporary asylum residence permit on the basis of the situation in the country of origin. First, it was still investigated whether the applicant qualified for an asylum residence permit on individual grounds, for example because the third-country national was a refugee as defined by the Refugee Convention.

### *Reason for abolition*

In the legislative proposal for amendment of the Aliens Act 2000 (Vw 2000) of 2012, the abolition of the category-based protection policy was mentioned.<sup>318</sup> The intention to abolish it was expressed earlier, in 2009, by the government at the time.<sup>319</sup> The proposal for abolition was based on among other things the risk of fraud and the pull factor of having a category-based policy. In addition to attracting refugees who really needed protection, it could, for example, also cause third-country nationals to be drawn to the Netherlands only because they were seeking a better future. Besides, the government indicated that collective elements under influence of the European Convention on Human Rights (ECHR) and EU law played a sufficiently large role in international forms of protection, making this national ground no longer necessary. Furthermore, according to the government, the protection of persons who had a solid reason to fear persecution upon return to the country of origin was sufficiently provided for in Section 29, sub 1, under a (convention refugee) and b (3 ECHR) of the Aliens Act.

### *Entry into force of abolition*

This legislative change abolishing the category-based protection policy became effective on 1 January 2014.<sup>320</sup>

## 3. Amendment of policy on unaccompanied minors (UAMs)

### *Description of UAM policy*

Under the outdated policy, an UAM could apply for a special UAM permit if his or her asylum application was rejected. This was a temporary regular residence permit. The permit had a one-year validity, but could be renewed annually and would lapse as soon as the UAM reached the age of 18. In many cases, the UAM had to leave the Netherlands if at that time he or she had held an UAM residence permit for less than three years.<sup>321</sup>

<sup>318</sup> *Parliamentary Papers II* 2011/12, 33 293, no 3.

<sup>319</sup> *Parliamentary Papers II* 2009/10, 19 637, no 1314.

<sup>320</sup> *Bulletin of Acts and Decrees* 2013, no 587; *Bulletin of Acts and Decrees* 2013, no 478.

<sup>321</sup> *Parliamentary Papers II*, 2009-2010, 27 062, no 64.

*Reason for amendment*

In a letter of 11 December 2009 to the House of Representatives, the State Secretary for Justice and Security announced that the UAM permit would be abolished.<sup>322</sup> The purpose of this was to accelerate return, limit uncertainty for UAMs and prevent UAMs from focusing on integration while the permit was only temporary.<sup>323</sup>

*Effect of amendment*

On 1 June 2013, the new policy on UAMs came into effect, abolishing the special UAM permit.<sup>324</sup> Instead, the regular permit for an 'UAM unable to leave the Netherlands through no fault of their own' was introduced for UAMs under the age of 15.<sup>325</sup> Stricter conditions apply to this permit than to the former special UAM permit (see Status D under Q5 and Q6).

## Section 4 Conclusions [max 2 pages]

**Q13.** With regard to the aims of this study, what conclusions would you draw from your findings reached in elaborating your national contribution? In particular, what is the relevance of your findings to (national and/or EU level) policy-makers?

### **Types of national protection statuses in the Netherlands**

In this study, eight national protection statuses have been described which fall within the scope of this study. These statuses have been divided into the following four categories: 'Medical reasons' (Statuses A to C), 'Special statuses available for unaccompanied/aged-out minors' (Status D), 'Special statuses for children' (Statuses E to G), 'Other statuses' (Status H). Most national protection statuses are either intended for third-country nationals with medical problems or minor third-country nationals. Furthermore, most national protection statuses are intended for specific cases and in general, not many permits are granted for these statuses. For example, this concerns a total of 292 residence permits granted for all statuses in 2018. This includes 116 residence permits granted for medical reasons (Statuses A to C) and 26 for minor third-country nationals (Statuses D to F).

None of the statuses mentioned provide protection to third-country nationals in connection with the safety situation in the country of origin, because this is part of the asylum procedure in the Netherlands. However, the asylum status is beyond the scope of this study, since this is based on EU-harmonised policy. An exception to this is the status for 'Westernised school-going minor women' (Status G). Girls who are eligible for this have become westernised in the Netherlands to such an extent that they run the risk of being put under psychosocial pressure in their daily school and social life in Afghanistan and are unsafe as a

<sup>322</sup> *Parliamentary Papers II*, 2009-2010, 27 062, no 64.

<sup>323</sup> *Parliamentary Papers II*, 2009-2010, 27 062, no 64.

<sup>324</sup> *Parliamentary Papers II*, 2012-2013, 27 062, no 88.

<sup>325</sup> *Parliamentary Papers II*, 2012-2013, 27 062, no 88.



result.

#### **Application procedure**

Except for one status, the application procedure for obtaining the aforementioned statuses is the same. The decision term is also the same: after all, the IND will decide on the application within 90 days, either with or without the help of extra information supplied by another organisation (with the exception of Status A, where the decision term is eight weeks). The appeal procedure is also the same for all statuses, with the exception of Status A (only here, there is no suspensive effect). In addition, it is always possible for applicants to file a new application for both international protection and other regular residence statuses.

#### **Rights arising from national protection statuses**

For all eight statuses, a regular residence permit is granted on humanitarian grounds. Excepted to this is Status A (Section 64, suspension of departure on medical grounds), where no residence permit is granted, since this only concerns suspension of departure. The granted permits are temporary for all statuses (usually one year); only for Status C, a non-temporary residence permit is granted (valid for five years). For all statuses, the permit can be renewed in principle.

Rights arising from the residence permits for these statuses are largely the same. For example, there are in general no substantial differences with respect to accommodation, education and integration. Rights with respect to health care and social security benefits are also almost equal for all statuses: these do not differ from the rights of other third-country nationals staying in the Netherlands with a residence permit. In addition, most permits give a right to work in the Netherlands without a so-called 'work permit for third-country nationals' (TWV), except Status A and B.

In principle, the holders of most statuses are entitled to family reunification. However, this is only a theoretical possibility for some statuses, since in practice holders do not have a partner or children (such as Statuses D, E, F and G). For a number of statuses, family members staying in the Netherlands are also eligible for a residence permit on the basis of family reunification (such as Statuses F and G).

Moreover, in principle, the number of years that a third-country national has held a residence permit for Statuses A to H counts towards the number of years of continued residence in the Netherlands one must have had to be eligible for naturalisation. Direct naturalisation is, however, not possible if a third-country national holds a temporary residence permit. To be eligible, a third-country national must first possess a non-temporary residence permit, which is only the case for status C.

In general, regular residence permits for Statuses A to H confer less strong rights than an asylum residence permit. For example, more favourable conditions often apply for an asylum residence permit with respect to accommodation and family reunification.

#### **Social and political debate**

Social and political debates took place on the basis of Status F (Final Regulation for long-term resident children) and Status H (Discretionary power) (see Q7). Central to this discussion was the following question: until when is it (still) possible to send children and their families back to their country of origin? For instance, it may happen that children and family members stay in the Netherlands for years despite several rejections of applications for admission. As a result, the children have largely grown up in the Netherlands and there is no link with the country of origin. Both statuses will be abolished: the authority will be given to the General Director of the IND to also assess during the first application procedure for a residence permit whether a residence permit may be granted in case of dire circumstances.

Comparative overview of national protection statuses in the EU



Nationality and  
Total.xlsx



Age.xlsx



Gender.xlsx

## Annex 2 Overview of EU-harmonised statuses and implementation by Member States

All Member States implemented the provisions of the recast Qualification Directive, with the exception of Ireland and the UK,<sup>326</sup> and of the Temporary Protection Directive. Norway, a State not participating to these Directives, has adopted in its national legislation equivalent protection statuses.

**Table A2.1** will present an overview of the content of protection under each of the three harmonised statuses. A more detailed overview of the implementation of these standards by Member States will be included in Annex 2 in the synthesis report. This will support a comparative analysis in the synthesis report between the minimum standards of protection as set out in EU legislation and the content of protection offered by national protection statuses.

This Annex will be prepared by the EMN Service Provider with the support of EASO.

**Table A2.1** Content of protection of EU-harmonised statuses

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<b>Residence permit</b>	<b>Article 24 recast QD</b>	<b>Article 24 recast QD</b>	<b>Articles 4 and 8 TPD</b>
<i>Issuance of a residence permit required?</i>	Yes  As soon as possible after refugee protection status has been granted	Yes  As soon as possible after subsidiary protection status has been granted	Yes
<i>Validity of the first residence permit (or initial length) (in years)</i>	Minimum 3 years	Minimum 1 year	Minimum 1 year
<i>Possibilities of renewal/extension?</i>	Yes	Yes (at least 2 years)	Yes (up to maximum 2 additional years)
<i>Time period required to be entitled to permanent residence permit (in years)</i>	No harmonisation	No harmonisation	No harmonisation
<i>Does this time period differ from the general rule for applying for permanent residence permit?</i>	No harmonisation	No harmonisation	No harmonisation
<b>Travel document</b>	<b>Article 25(1) QD</b>	<b>Article 25(2) QD</b>	<b>No harmonisation</b>
<i>Is a travel document issued ?</i>	Yes	Yes	-

<sup>326</sup> Ireland participated in Directive 2004/83/EC but is not bound by the recast Directive 2011/95/EU. The UK participated in Directive 2004/83/EC and is not bound by the recast Directive 2011/95/EU.

## Comparative overview of national protection statuses in the EU

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>If so, what type of document is it ? (e.g. Geneva travel document or a national travel document)</i>	Travel documents in the form set out in the Schedule to the Geneva Convention	If unable to obtain a national passport should be issued with documents which enable to travel	-
<i>Validity (in years)</i>	No harmonisation	No harmonisation	-
<b>Accommodation</b>	<b>Article 32 recast QD</b>	<b>Article 32 recast QD</b>	<b>Article 13 TPD</b>
<i>Access to accommodation (as other legally residing third-country nationals) ?</i>	Yes	Yes	Yes (but only access to 'suitable accommodation' or provide 'means to obtain housing')
<i>Access to specific schemes/programmes to support access to accommodation?</i>	No harmonisation	No harmonisation	-
<i>Dispersal mechanism?<sup>327</sup></i>	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	No harmonisation
<b>Family unity &amp; reunification</b>	<b>Articles 2 and 23 recast QD</b>	<b>Articles 2 and 23 recast QD</b>	<b>Article 15 TPD</b>
<i>Right to family reunification?</i>	Yes  Obligation of MS to maintain family unity <sup>328</sup>	Yes  Same as for refugees	Yes
<i>Eligible family members</i>	Family ties should have already existed in the country of origin  Spouse; unmarried partner in a stable relationship; minor unmarried children; father, mother or another adult responsible for the refugee  Possibility to restrict family reunification with close relatives on the condition that family ties have already existed in the country of origin and who were dependant	Same as for refugees	Family ties should have already existed in the country of origin  Spouse, unmarried partner in a stable relationship, minor unmarried children of the sponsor or of the spouse, other close relatives who lived together as part of the family unit and who were dependent on the sponsor

<sup>327</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

<sup>328</sup> According to the recast QD (Article 13(2)), family unity involves ensuring that family members who do not qualify for international protection status nevertheless have access to the same rights as the family member with refugee or subsidiary protection status.

## Comparative overview of national protection statuses in the EU

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
	on the sponsor		
<i>Material requirements sponsor must guarantee</i>	Articles 6-9 Family Reunification Directive: Accommodation, health insurance and/or sufficient financial resources	Excluded from the scope of the FRD	No harmonisation
<i>'Grace period'?</i> <i>If so, please indicate the duration of the grace period</i>	Article 12 Family Reunification Directive: Exemption to from the obligation to meet the material requirements for a minimum period of three months after the granting of refugee status	Excluded from the scope of the FRD	No
<i>What is the validity of the residence permit of the family member?</i>	It may be valid for less than 3 years and renewable (Article 24(1) recast QD)	It may be valid for less than 3 years and renewable (Article 24(1) recast QD)	For the duration of the temporary protection of the sponsor (Article 15(6) TPD)
<b>Labour market and qualifications</b>	<b>Articles 26 and 28 recast QD</b>	<b>Articles 26 and 28 recast QD</b>	<b>Article 12 TPD</b>
<i>Specific conditions to be granted access (e.g. hold work permit)?</i>	Yes, possible  (Article 26(1): access can be subject to rules generally applicable to the profession and to the public service)	Yes, possible  (as for refugees)	Yes  Member States may give priority to EU and EEA citizens, and to legally resident third-country nationals receiving unemployment benefit
<i>Access to procedures for recognition of qualifications?</i>	Yes  (equal treatment with nationals)	Yes  (as for refugees)	No harmonisation
<b>Social assistance</b>	<b>Article 29(1) recast QD</b>	<b>Article 29(2) recast QD</b>	<b>Article 13 TPD</b>
<i>Social assistance limited to core benefits ?</i>	No	Yes	Yes ('necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources')
<b>Health care</b>	<b>Article 30 recast QD</b>	<b>Article 30 recast QD</b>	<b>Article 13 TPD</b>
<i>Access to emergency health care?</i>	No harmonisation	No harmonisation	Yes ('emergency care and essential treatment of illness')

## Comparative overview of national protection statuses in the EU

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
Access to mainstream services ?	Yes	Yes	No
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	Yes	Yes	Yes
<b>Education</b>	<b>Article 27 recast QD</b>	<b>Article 27 recast QD</b>	<b>Article 14 TPD</b>
Access to general system of education (same as nationals)?	Yes	Yes	Yes
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	No harmonisation	No harmonisation	No harmonisation
<b>Integration</b>	<b>Article 34 recast QD</b>	<b>Article 34 recast QD</b>	<b>No harmonisation</b>
Access to 'mainstream' support (available for legally residing third-country nationals)?	Yes  Access to integration programmes which are considered to be appropriate so as to take into account the specific needs of beneficiaries of international protection or create pre-conditions which guarantee access to such programmes	Yes  Same as refugees	-
Access to targeted support (i.e. specifically for beneficiaries of the status)?	Yes	Yes	-
If so, how long is the support granted for?	No harmonisation		-
<b>Ending or refusal to renew protection</b>	<b>Articles 11, 12 and 14 recast QD</b>	<b>Articles 16, 17 and 19 recast QD</b>	<b>Article 6 TPD</b>
Are grounds to end or refusal to renew protection formally foreseen?	Yes	Yes	Yes

## Comparative overview of national protection statuses in the EU

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<b>Change of status</b>			<b>Articles 3 and 17 TPD</b>
Possibility to lodge an application for another protection status?	Yes, to subsidiary protection <sup>329</sup>	Yes	Beneficiaries of TP can lodge an application for asylum at any point in time.

<sup>329</sup> See CJEU, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, *Aydin Salahadin Abdulla, Kamil Hasan, Ahmed Adem, Hamrin Mosa Rashi & Dier Jamal v Bundesrepublik Deutschland*, 2 March 2010, ECLI:EU:C:2010:105, para 76.