AD HOC QUERY ON 2021.77 SECONDARY MOVEMENTS OF BENEFICIARIES OF INTERNATIONAL PROTECTION

Requested by COM on 22 December 2021

Responses from Austria, Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Spain, Sweden (21 in Total)

1. Background information

Secondary movements of beneficiaries of international protection affect the Member States of the European Union (EU) in very different ways, depending, for instance, on the number of applications as well as on the reasons for which people decide to leave the Member State that granted them the protection status. While, in recent years, asylum seekers whose procedure has not yet started or been completed and who fall under the Dublin III Regulation have been at the forefront of political discussions and negotiations, their situation has been already covered in other research[1] and will not be considered in this Inform.

The secondary movements of beneficiaries of international protection have received little attention by politicians, researchers and public administration so far, however, there has been an increase in interest recently. Persons who received a protection status in a Member State during the period of increased refugee migration in 2015 and 2016 will fulfil the five-year residence requirement for long-term resident status in the EU in 2020 and 2021, respectively. One could therefore wonder whether the resulting mobility rights would lead to an increase in mobility by these migrants, which leads to transfers of responsibility for these migrants to other Member States. Moreover, some Member States have recently also reported increased numbers of asylum applications from beneficiaries of international protection already recognised in a first State.[2]

The first part of this Inform will deal with the transfer of responsibility for persons who, after having been granted an international protection status in one EU Member State (first State), move on to another EU Member State (second State) to reside or settle there for a longer period of time.
The aim of this first part is to examine under what conditions and in what forms the transfer of responsibility from the first State to the second State is regulated and implemented in practice in the Member States and Norway, considering:

- What are the legal frameworks on international, European and national level for transfer of responsibility (e. g. Geneva Convention on Refugees (Geneva Convention) and the Council of Europe (CoE) European Agreement of 16 October 1980 on Transfer of Responsibility for Refugees (EATRR), national regulations, bilateral or multilateral agreements)?
- What are the legal consequences of the transfer of responsibility for the individual Member States and what does this mean for administrative practice?
- What challenges do Member States face with regard to the transfer of responsibility?

The second area covered by this Inform concerns asylum applications lodged in a second State by beneficiaries of international protection already recognised in the first State. The aim is to record:

- To what extent have such cases occurred in the Member States in recent years?
- What are the consequences of recent European case law and legislation for the Member States for such cases?
- How do Member States deal with asylum applications from already recognised beneficiaries of international protection?

The scope of the Inform includes all persons who have been granted refugee status or subsidiary protection, and are present in the territory of a second State for the following reasons:

- They hold a residence permit (e.g. on the basis of employment, education/study, etc.);
- They stay without authorisation;
- They make a further application for asylum.

[1] See for example Obermann, L., Vergeer, S., 'Secondary movements of asylum seekers in the EU: Research Report', https://www.adviescommissievoorvreemdelingenzaken.nl/binaries/adviescommissievoorvreemdelingenzaken/documenten/publicaties/2019/11/05/increasing-onward-migration-of-asylum-seekers-in-the-eu/Secondary_movements_asylum_seekers_research_report_ACVZ_201911.pdf, last accessed on 27 October 2021.
[2] Politico, 'EU powerhouses ask Greece to do more to take back migrants', 3 June 2021, https://www.politico.eu/article/eu-greece-migration-leaked-letter/, last accessed on 27 October 2021.

2. Questions

1. What is the legal framework in your Member State (e.g. Geneva Convention, EATRR, bilateral or multilateral agreements, national regulations) which applies for the transfer of responsibility for beneficiaries of international protection (refugees and beneficiaries of subsidiary protection)?

2. According to the legal framework please indicate which responsibility is transferred?
Note: If you answer other please explain in the comment box what is the measure and if it applies to refugees or beneficiary of subsidiary protection.
Available choices: Issuance of travel documents for refugees, Issuance of travel documents for beneficiaries of subsidiary protection, Granting of other material rights to refugees, Granting of other material rights to beneficiaries of subsidiary protection

3. What criteria are in use to determine 'lawful residence/stay' in your country when acting on a request for transfer (e.g. Article 28(1) of the Geneva Convention and para. 11 of the Schedule; e.g. Article 2 EATRR, national legislation)?
Note: Criteria could include: the type of residence permit; other right of residence; purpose of stay; length of stay; disclosure of protection status by the beneficiary of protection to the competent authority; etc.

4. Under what conditions does your country accept to readmit the person as a first State (e.g. para 13(1) of the Schedule; e.g. Article 4 EATRR; e.g. national legislation)?
Note: Conditions could be: expiry of the travel document issued by the first State; expiry of the travel document issued by the first State in the case of a stay which was previously unknown to the authorities of the second State; after a previous transfer of responsibility to the second State; etc.

5. How does your Member State deal with disputes of competence between first and second state in these cases?

6. What are the challenges encountered in your Member State regarding the transfer of responsibility for beneficiaries of international protection?

7. Does your Member State collect data on asylum applications lodged by beneficiaries of international protection who already have been granted protection by another Member State? YES/NO. If your answer is YES can you please provide the following information: a) three main countries of origin; b) number of applications for the period 2018 to 2020; and c) three main first states. If your answer is NO, can you please indicate if this situation creates a challenge for the authorities in your Member State?

8. Following the ruling of the ECJ on 13. November 2019 (Germany vs. Hamed and Omar; C540-17 & C541-17 (URL: https://eur-lex.europa.eu/legal-content/de/TXT/?uri=CELEX:62017CO0540), does your Member State examine an application for international protection filed by a beneficiary of international protection already recognised as such in a first State? YES/NO. If you answer YES, can you please explain in which procedures and under which conditions these examinations apply.

9. If your answer is YES to Q.8, considering the case in which a new application for asylum was examined in your country although the applicant already has a status from the first state and your country, as the second state, comes to a different conclusion (after examining the asylum application under substantive law): what are the consequences deriving from it?
Please distinguish between beneficiaries of subsidiary protection and recognised refugees.

10. If your answer is YES to Q.8, considering the case that the first state has granted protection but the second state does not: how does your country as the second state bring the non-refoulement principle in compliance with the consequences of its examination?

11. Are there any decisions by national courts following CJEU rulings on systemic deficiencies in your country which do not allow the return of beneficiaries of international protection to the first state? YES/ NO If YES, please explain the changes/effects brought by the national court rulings.

12. Does your Member State exchange information and cooperate with other Member States regarding the applications lodged by third-country nationals who are already beneficiaries of international protection in another Member State? YES/NO/OTHER. Please explain.
(e.g. admission by the second State, readmission of the person by the first State, family reunification, measures terminating residence and withdrawal or revocation of protection status)

We would very much appreciate your responses by **18 February 2022**.

3. Responses

[1]

		Wider Dissemination [2]	
	EMN NCP Austria	Yes	1. There is no legal basis for accepting responsibility in principle for foreigners who have already been granted protection status in other countries. According to national law, Convention Passports can be issued on request to foreigners who have been granted asylum status in another State if they do not possess a valid travel document and have entered without circumventing border controls (Art. 94 para 2 Aliens Police Act 2005). The regulation on the issuance of Austrian Aliens' Passports for beneficiaries of subsidiary protection status only refers to those persons who are granted subsidiary protection status in Austria (Art. 88 para 2a Aliens Police Act 2005).

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

			--- Source: Ministry of the Interior 2. There is no fundamental transfer of responsibility for foreigners who have already been granted protection status in other States. However, the issuance of a Convention Passport for recognised refugees can take place.--- Source: Ministry of the Interior 3. The residence in Austria is lawful if the criteria according to Art. 31 para. 1 Aliens Police Act 2005 are met. In any case, this requires lawful entry, i.e. compliance with passport or visa requirements and, if applicable, without circumventing border controls (Art. 15 Aliens Police Act 2005). Subsequently, legal residence in Austria requires an entitlement to stay in Austria. The reasons mentioned in the Act are listed exhaustively and include, among others, a residence permit, a residence permit issued by a Contracting State or a right to stay according to the Asylum Act 2005. If none of the cases mentioned in the Act applies, the stay is unlawful (Art. 31 para. 1 and 1a Aliens Police Act 2005). --- Source: Ministry of the Interior 4. Austria agrees to the readmission of persons who have been granted international protection in Austria and whose status is valid on the basis of bilateral readmission agreements. If there is no readmission agreement between Austria and the requesting State, there is no readmission obligation, but Austria consents, on the basis of the Return Directive

			(2008/115/EC), to the transfer of persons who have been granted international protection in Austria and whose status is valid. --- Source: Ministry of the Interior 5. n/i --- Source: Ministry of the Interior 6. There is no fundamental transfer of responsibility for foreigners who have already been granted protection status in other States. There are challenges in connection with the granting of protection status in another State and the subsequent application for asylum in Austria. As a result, the asylum procedure is carried out with all possibilities of legal remedy and, if necessary, difficult return transfer to the first State. --- Source: Ministry of the Interior 7. Such data are not published in Austria. --- Source: Ministry of the Interior 8. No. According to Art. 4a Asylum Act 2005, an application for international

			protection is to be rejected as inadmissible if the foreigner has been granted the status of a person granted asylum or subsidiary protection in another EEA state or Switzerland and has found protection from persecution there. With the rejecting decision, it must also be determined to which State the foreigner must return. --- Source: Ministry of the Interior 9. n/a --- Source: Ministry of the Interior 10. n/a --- Source: Ministry of the Interior 11. Yes. An Afghan national had been a recognized beneficiary of protection in Greece since November 12, 2019. On July 13, 2020, she filed an application for international protection in Austria and submitted regarding her stay, among other things, that the refugee shelter had been full and that she had therefore slept several nights on the streets or privately in overcrowded houses. The Federal Office for Immigration and Asylum rejected the application as inadmissible according to Art. 4a Asylum Act 2005, declared

			that the complainant had to return to Greece, did not issue a residence permit, ordered her to be taken out of the country and determined that the removal to Greece was admissible. The Federal Administrative Court dismissed the appeal filed against this decision as unfounded without holding a hearing. The Federal Administrative Court assumed that in the case of her return, the complainant would not be threatened with a violation of her rights guaranteed under Art. 3 ECHR or Art. 4 CFR. Against this decision, the complaint was directed to the Constitutional Court, alleging, among other things, a violation, inter alia, of the right not to be subjected to torture or inhuman or degrading punishment or treatment (Art. 3 ECHR) and a request for the annulment of the contested decision. The Constitutional Court considered this complaint to be justified because, among other things, on the basis of the country information in the Country of Origin Information, it was not comprehensible that the complainant would not face a real danger of treatment violating Art. 3 ECHR in the case of her return. Since the Federal Administrative Court failed to carry out the necessary investigative work in decisive points, its decision was subject to arbitrariness and the decision was therefore to be set aside (Constitutional Court, E599/2021, 25 June 2021). --- Source: Ministry of the Interior 12. Yes. There is a constant exchange of information with other Member States in order to ensure the best possible cooperation and to prevent secondary migration of beneficiaries of protection through effective measures. ---

			Source: Ministry of the Interior
	EMN NCP Belgium	Yes	1. National regulation: Art. 49, § 1, 6° Immigration Act: As a refugee shall be considered and admitted to a stay of limited duration in Belgium: the foreigner who, after having been recognised as a refugee while in the territory of another State, Contracting Party to the Refugee Convention, has been admitted by the Minister or his representative to reside or settle in Belgium, provided that his status as a refugee has been confirmed by the authorities. Art. 93 Royal Decree of 8 October 1981: The foreigner referred to in Article 89 of the Immigration Act may apply to the Commissioner General for Refugees and Stateless Persons for confirmation of his refugee status, provided that he has resided for eighteen months in Belgium regularly and without interruption and that the duration of his stay has not been limited for a specific reason. Belgium has not ratified the EATRR, but the BE national regulation is more favorable than the EATRR: transfer of full responsibility (EATRR: only issuance of travel document) and a time limit of 18 months (EATRR: 2 years). 2. 3. Cf. answer 1. 4. N/A

			5. N/A 6. A legal framework for mutual recognition of asylum decisions should be developed at EU level (cf. Green Paper on the future Common European Asylum System – COM/2007/0301). 7. a) three main countries of origin; 2020: 1: Syria, 2: Palestine, 3: Afghanistan 2021: 1: Palestine, 2: Syria, 3: Afghanistan b) number of applications for the period 2018 to 2020; 2020: 782 2021: 1.344 and c) three main first states. The indication of MS where applicants have a status, is currently not systematically entered in the database. Based on the cases that were entered in the database, in 2019, 2020, 2021 Greece was clearly the most important Member State. 8. In the context of the Common European Asylum System, it must be presumed that the treatment of applicants for international protection in each Member State complies with the requirements of the Charter, the Geneva Convention and the ECHR (see Jawo, C163/17, paragraph 82 and the case-law cited). EU law is based on the fundamental premiss that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the European Union is founded. That premiss implies and justifies the existence of mutual trust between the Member States that those values will be recognised, and

			therefore that the EU law that implements them will be respected, and that their national legal systems are capable of providing equivalent and effective protection of the fundamental rights recognised by the the fundamental rights recognized by EU law (see : Court of Justice 19 March 2019, nrs. C297/17, C318/17, C319/17 and C438/17, ECLI:EU:C:2019:219, Ibrahim e.a., par. 83-85 and CoJ (Grand Chamber) 19 March 2019, nr. C163/17, ECLI:EU:C:2019:218, Jawo, paragraphs 80-82]. It follows from this principle of mutual trust that, in principle, the CGRS considers requests from persons who already enjoy international protection in an EU Member State inadmissible, on the basis of Article 57/6, § 3, first paragraph, 3° of Immigration Act (this is the transposition of Article 33(2)(a) of Directive 2013/32/EU). However, in exceptional circumstances, namely where the living conditions of the beneficiary of international protection in another Member State expose him there to a serious risk of inhuman or degrading treatment as set out in Article 4 of the Charter, which corresponds to Article 3 ECHR, the application for international protection may be declared admissible. It is for the applicant to rebut on an individual basis the presumption that his fundamental rights as a beneficiary of international protection are respected in the EU Member State which granted him such protection. Only when the applicant demonstrates by concrete elements that the international protection granted to him by another EU Member State is no longer valid and/or would be ineffective or ineffective will the application for international protection in Belgium will be reviewed in relation to the country of origin. 9. When, exceptionally, the CGRS does not apply the inadmissibility of the application due to the fact that the applicant has already been granted

			international protection in another EU Member State (see above), the application is examined ex officio, in accordance with article 49/3 of the Immigration Act, first, under the Geneva Convention, as provided for in article 48/3 of this Act, and subsequently under article 48/4 which relates to subsidiary protection. This means that, in his assessment, the Commissioner General is not bound by the initial assessment of the other EU Member State, by means of which international protection was granted. On the contrary, the Commissioner General is entitled to carry out a full substantive re-examination of the need for international protection, taking into account all the elements of the application, which not only include the previous granting of international protection, but also, in particular, the individual circumstances or any relevant element at the time when a new substantive decision on the application is taken. Insofar as this would mean that the Commissioner General cannot establish a current need for international protection, he may still inform the competent Minister or his representative, responsible for the possible (enforced) return of the applicant to his country of origin, of the fact that the person in question has international protection in another EU Member State. However, this is for information purposes only and cannot be challenged separately in the context of a possible appeal against a decision of refusal or exclusion of international protection by the CGRS. 10. The competence of the Commissioner General is limited to the examination of the need for international protection within the meaning of articles 48/3 and 48/4 of the Immigration Act. The decisions of the CGRS do not relate to removal measures, which is the competence of the Minister or his/her representative (Immigration Office). In these cases, it is up to the

			Minister to verify whether the refused applicant can risk to be exposed to a treatment contrary to article 3 ECHR in case of return/removal. Nevertheless, even though the CGRS is not obliged, in the event of a (previous) recognition of an international protection status by another Member State, to automatically take into account the granted status in another Member State when an application is re-examined on the merits, it follows from the Geneva Convention that the competent Belgian authorities are obliged to respect the non-refoulement principle. Since 2017, the Belgian Immigration Office has a special department that checks, amongst others, detention decisions, Orders to Leave the Territory and other types of return decisions for their compatibility with Article 3 and 8 ECHR. In this context, they have also established guidelines, which include European case law on Article 3 and 8 ECHR, that can be used by other services within the Immigration Office to check whether their decisions are in conformity with Article 3, and by that fact, with the principle of non-refoulement. 11. No. 12. The cooperation between the CGRS (through Cedoca) and other EU Member States is, in this respect, a priori limited to e.g. the possible verification of a previously granted international protection status by another Member State if there is any uncertainty regarding this status, or to requesting documents or files related to an application for international protection in another Member State. The CGRS is not competent for other residence-related matters such as admission by the second State, readmission of the person by the first State, family reunification, … .

			Within the Immigration Office, there are contacts with other Member States to materialise the readmission of recognised beneficiaries of international protection (or persons with a right of residence). Most notably: 1. Via formal bilateral agreements, with some Member States, Belgium materializes the readmission of persons with a right of residence in another MS, which also includes beneficiaries of international protection; 2. Via informal bilateral agreements, 3. Via the Dublin channel, 4. Via Readmission agreements with some third countries which in some cases not only includes nationals of those states, but also persons with a right of residence in the country (these may also beneficiaries of international protection).
	EMN NCP Cyprus	Yes	1. Since Cyprus' Refugee Law does not regulate the transfer of responsibility for BIPs and since no bilateral or multilateral agreements are in place, the Geneva Convention apply. Furthermore, the status of a BIP can be recalled, if he/she has explicitly renounced his / her recognition as a BIP. 2. Issuance of travel documents for refugees, 3. A valid residence permit and a valid Convention Travel Document (for refugees) are required to examine the request by the other Member State. Other criteria that may be required to determine the lawful residence/stay' in the Republic are: • When the beneficiary remains in an irregular manner overdue for

			more than 12 months in another Member State; Whether the residence permit is valid or not, when the beneficiary is absent from the Republic of Cyprus for more than 12 months Civil Registry and Migration Department along with the Asylum Service may contact an investigation regarding the reasons for the beneficiary's absence. • There is sufficient evidence that the beneficiary resides legally in another Member State and enjoys other adequate protection in that country. 4. A valid residence permit and a valid Convention Travel Document (for refugees) are needed to readmit a beneficiary back to the Republic of Cyprus. It is noted that the Asylum Service of Cyprus should not have canceled or revoked the individuals' international protection status. 5. The Republic of Cyprus is working together with the other Member States to solve any disputes of competence that arise. When another Member State requests a transfer of a beneficiary of international protection back to the Republic of Cyprus. The Civil Registry and Migration Department, of the Ministry of Interior of Cyprus, is sending an official correspondence to the Member State to provide more information and clarifications for a proper examination of the request. It is noted that Embassies Abroad and Consulates General of the Republic of Cyprus are also involved in this process and can assist the Ministry of Interior in dealing with these certain issues. 6. Secondary or onward movements are often done irregularly and in the

			case of Cyprus through the area not under the effective control of Republic of Cyprus; therefore, many beneficiaries are entering another Member State without the prior consent of the national authorities and with no or insufficient documentation. Many beneficiaries of other Member States are entering or residing in the Republic of Cyprus with false or fraudulent documentation. Therefore, the existence of sufficient documentation that can validate the international protection status in the other Member states is very often the major challenge encountered. 7. No specific data report is collected on asylum applications lodged by beneficiaries of international protection who already have been granted protection by another Member State. The number of those cases remain relatively low. However, if for some reason the authorities need such information, it can be easily found through the internal national electronic system and/or the files the Dublin Office keeps. 8. Cyprus doesn’t examine an application for international protection filed by a beneficiary of international protection of another Member State. Such applications are rejected as inadmissible. 9. N/A 10. N/A 11. No. 12. Yes, exchange of information requests.

	EMN NCP Czech Republic	Yes	1. It is necessary to point out that mutual recognition of positive asylum decisions is not regulated by EU law. It is not clear enough what the transfer of the responsibility for beneficiaries of international protection means. Only Geneva Convention is the legal basis for the possible actions in this aspect for the Czech Republic. EATRR was not ratified by the Czech Republic. No bilateral or multilateral agreements or national regulations are in place. 2. 3. No experience. 4. Beneficiary of international protection granted by the Czech Republic is allowed to return on the territory of the Czech Republic also in case that he or she is not in possession of relevant travel document issued by authorities of the Czech Republic. In this case, the embassy of the Czech Republic abroad can issue a temporary travel document for return to the Czech Republic. 5. No experience. 6. N/A 7. CZ is occasionally confronted with a Dublin case of a person who was granted international protection in another MS. This is indicated by a EURODAC hit after the application for international protection is lodged by a

			foreigner and the information provided on the application or the interview shows that the person has been granted international protection in the form of asylum or subsidiary protection in the Member State concerned. Because that persons usually do not have any document with them, a document that would verify their statement, CZ usually submits a request for information in order to find out / verify this fact. **Such an application would be rejected as inadmissible pursuant to Section 10a / 1 / c of the Asylum Act.** We most often meet applicants who are beneficiaries of international protection in Greece, Hungary or Bulgaria. However, these are only individual cases per year. As it is not possible to enter this fact in CZ asylum information system CZ does not have these statistics available. Some information on these cases can be obtained from the EURODAC system, as each Member State is obliged to indicate the fact that the person has been granted international protection and connect it with specific fingerprints of the applicant. It usually concerns the information that a person who previously applied for international protection in the Czech Republic was subsequently granted international protection in another MS. However, it is not possible to identify from the record whether s/he was granted asylum or subsidiary protection. 8. No. 9. N/A 10. The principle of non-refoulment is preserved. If we understand the

			question correctly, beneficiary of international protection from another Schengen MS may stay on the territory of the Czech Republic more or less freely without any restrictions (the rule 180 days in 90 days is applied). The non-refoulment should be examined in case that person in question should be a subject of expulsion (rare cases and cooperation with MS which granted protection is necessary). 11. No. 12. Other – There may be cases where the request for confirmation that international protection has been granted in an individual case.
	EMN NCP Estonia	Yes	1. Estonia has not ratified the EATRR and there is no national legal framework concerning the transfer of responsibility for beneficiaries of international protection. The Geneva Convention and the Dublin regulation apply. 2. 3. The criteria can include: the type of residence permit; other right of residence; purpose of stay; length of stay; disclosure of protection status by the beneficiary of protection to the competent authority; etc 4. According to the national legislation persons who have received a beneficiaries of international protection status in Estonia will be readmitted to Estonia in any case unless he or she has lost his/her refugee or subsidiary

			protection status. 5. There have not been such disputes yet. 6. Estonia does not have many of such cases, so we are not able to provide information on challenges. 7. Yes, the question on previously submitted applications is asked from the asylum applicants, but we are not able to provide the statistics. 8. No. 9. N/A 10. N/A 11. No. 12. Yes, in specific cases (usually in case of family reunification) Estonia exchanges information and cooperates with relevant Member state.
	EMN NCP Finland	Yes	1. The legal framework in Finland for the transfer of responsibility for beneficiaries of international protection is the European Agreement on Transfer of Responsibility for Refugeed (EATRR). 2.

			3. The criteria used include other right of residence and the length of stay. 4. To our knowledge, this has not been applied yet in Finland. 5. Finland has no experience of disputes of competence. 6. Inquiries made to other Member States about a person’s refugee status there are not always answered. 7. NO, the Finnish Immigration Service does not collect this kind of data. The decision statistics do show the inadmissibility decisions for persons who have received protection in another EU Member State, but in the case of applications, these statistics cannot be collected because the information is not recorded comprehensively and reliably. 8. NO. 9. 10. 11. NO. 12. YES. If a person who has refugee status in another Member State applies for a residence permit in Finland based on family ties, for example, the possible transfer of refugee status can be assessed at the same time. In

			this case, Finland will contact the MS in question. If the applicant has subsidiary protection status in another Member State, there is no reason to be in contact with the MS in question as subsidiary protection status cannot be transferred from one country to another.
	EMN NCP France	Yes	1. The transfer of refugee status issued by another Member State to France is governed by the provisions of common rights governing the entry and residence of foreign nationals in the territory. The detailed rules for the transfer of protection were laid down in Circular No 82-85 of 8 June 1982, which provides that a refugee who is a beneficiary of international protection in another country must be in possession of a long-stay visa and then a residence permit in France before they can claim the transfer of their protection. This condition, which is not contained in any legislative text, was confirmed in Decision No 349735 of the Council of State of 13 June 2013, in which it is stated that 'a person who has been recognised as a refugee in a third country must, in order to obtain the transfer of their status to France, have previously been allowed to reside there'. As regards the procedure for transferring protection, this was explained by the Council of State in Decision No 415335 of 18 June 2018. In the absence of any applicable legal framework, the High Court considered that, in the absence of special arrangements, a request for transfer of protection to France must be made in the form and in accordance with the procedural rules applicable to asylum applications. In addition, the Code on the Entry and Residence of Foreign Nationals and the Right to Asylum (CESEDA) lays down specific provisions governing the procedure for transferring protection to refugees or beneficiaries of

			subsidiary protection who hold a residence card marked 'long-term resident — EU'. Finally, transfers of protection can also take place through bilateral relocation agreements. This is the case of the agreement implemented between France and Greece in 2020, as part of the relocation scheme from Greece, which provided for the transfer to France of 1,000 third-country nationals, including 100 beneficiaries of international protection. By the end of 2020, 406 people from Afghanistan, Syria or the Democratic Republic of Congo had been relocated to France under this agreement. 2. Issuance of travel documents for refugees, Issuance of travel documents for beneficiaries of subsidiary protection, Granting of other material rights to refugees, Granting of other material rights to beneficiaries of subsidiary protection 3. The transfer of international protection is subject to the prior acquisition of a long-term residence permit in France. This condition is recalled in the decision of the Council of State of 18 June 2018, in which the High Court states that where a person enjoying international protection issued in another Member State 'has previously been admitted to stay in France under the ordinary law procedures applicable to foreign nationals', they may request the French office for the protection of refugees and stateless persons (OFPRA) to exercise the protection attaching to their refugee status. In the section of its website dedicated to the procedure for the transfer of refugee status, the OFPRA states that beneficiaries of international protection issued in another Member State must have a long-stay visa

			issued by the French authorities (French embassy or consulate) in their country of habitual residence prior to their arrival on French territory. Once in France, they will have to go to the prefecture to apply for a residence permit. Different residence permits are possible depending on their situation with regard to stay in their country of residence and the reason for their stay in France: for example: • Residence card marked "long-term resident — EU" Articles R. 421-25 and R. 426-8 of the CESEDA state, respectively, that if the third-country national was already in possession of a residence card bearing the words 'long-term resident — EU' in the Member State which granted him or her international protection, then the 'long-term resident — EU' residence card issued by France bears the following statement: 'The [name of the Member State] granted international protection on [date]', after verifying that the third-country national remains under the effective protection of that State. In the case of a transfer, this entry shall be amended within a maximum period of 3 months following the transfer. • Temporary residence card marked "private and family life" for residence in France for family or personal reasons • A temporary residence card for professional reasons depending on the type of economic activity carried out Lastly, the transfer of international protection is subject to the declaration that the third-country national is entitled to that protection in the asylum application form. After obtaining their residence permit, a third-country national wishing to transfer responsibility for their international protection to France must withdraw an asylum application form from the prefecture of their place of residence, in order to submit their application for transfer in accordance with the forms and rules applicable to the asylum application

			procedure. In this document, the third-country national indicates that he or she wishes to transfer the international protection which he or she is entitled to to another EU Member State, and provides evidence that he or she has been granted refugee status or subsidiary protection in that other State. Therefore, according to the OFPRA's Guide to Procedures, if recognition of refugee status by that European State is confirmed and the applicant has previously been admitted to stay in France, the OFPRA may transfer their international protection. In the event that the third-country national has been granted subsidiary protection in that other EU Member State, and if he or she has previously been admitted to stay in France, the OFPRA will examine his or her concerns in the event of his or her return to his or her country of origin, in accordance with the usual procedure. 4. to be completed soon 5. to be completed soon 6. to be completed soon 7. YES Although the number of asylum applications lodged by beneficiaries of international protection obtained in another Member State is not available, the OFPRA Statistical Mission was able to provide the number of international protection granted on this ground. Thus, in 2018, 20 agreements were granted. The main countries of origin were: the Democratic Republic of Congo (8 agreements), Angola (3 agreements), and the Central African Republic (2 agreements).

			In 2019, 11 agreements were granted, and the main countries of origin were: the Democratic Republic of Congo (4), and other African countries (4). Finally, in 2020, 12 agreements were issued, and the main countries of origin were: Eritrea and Guinea (3 each) and the Democratic Republic of Congo (2). In the first half of 2021, 20 agreements were issued: 6 for nationals of the Democratic Republic of Congo, 5 for Somali nationals, 3 for Afghan nationals, and 3 for Syrian nationals). As regards applications deemed inadmissible due to the granting of effective international protection in another EU Member State, 142 inadmissibility decisions were issued in 2018, 185 in 2019 and 366 in 2020. 474 inadmissibility decisions on this ground were identified in the first half of 2021. No information on the main host countries in the EU is available. 8. Yes, however, the procedures for examining asylum applications lodged by third-country nationals enjoying international protection in another Member State had already been defined in the CESEDA prior to the decision of the Court of Justice of the European Union of 13 November 2019, and remain unchanged. Thus, the asylum application of a third-country national declaring to be a beneficiary of international protection in an EU Member State is assessed by the OFPRA in accordance with the conditions relating to the inadmissibility procedure (Article L. 531-32 (1) of the CESEDA). The time limit for investigation is set at one month from the submission of the request (Article R.531-30 of the CESEDA). During the examination interview, the OFPRA shall assess the effectiveness of the protection

			afforded by the Member State: the Office checks whether the said protection has been effectively obtained (the applicant may submit an official document specifying the nature of the protection he enjoys; otherwise, the Office may check the Minister for the Interior of the State concerned) and assess the capacity of that State to ensure the protection of the third-country national. The third-country national is given the opportunity to submit their observations on the application of the ground of inadmissibility to their personal circumstances (Article L. 531-33). Decision No 433678 of the Council of State of 29 July 2020 confirmed the possibility, where the protection granted by another Member State is deemed effective by the OFPRA, and where the third-country national does not adduce any evidence to contradict it, to declare the application inadmissible. Nevertheless, Article L. 531-34 of the CESEDA states that the OFPRA retains the power to examine the fear of persecution of the third-country national, on account of their action in favour of liberty or for another reason (Article L. 531-34 of the CESEDA). Where the Office concludes that the application is inadmissible, the decision shall be notified to the asylum seeker by registered letter with request for advice of receipt. In addition, if the third-country national has not declared to be a beneficiary of international protection in an EU Member State during the procedure for registering his or her asylum application, the OFPRA may then decide to decide on their application under the accelerated procedure on its own initiative (Article L.531-56 (1) of the CESEDA), or at the request of the administrative authority responsible for registering the asylum application (Article L.531-27 (2) of the CESEDA). The request will then be processed within 15 days of its submission (Article R.531-23 of the CESEDA).

			9. to be completed soon 10. to be completed soon 11. to be completed soon 12. to be completed soon
	EMN NCP Germany	Yes	1. The legal framework for the transfer of responsibility includes • international regulations: Geneva Convention and EATRR • national regulations: Residence Act The legal framework applies only to refugees. A transfer of responsibility for beneficiaries of subsidiary protection is not intended. 2. Issuance of travel documents for refugees 3. The criteria in use in Germany are based on the criteria laid down in Article 2 EATRR. • As a rule, the "agreement of the authorities" (Art. 2(1) EATRR) is only considered to be given with the granting of a residence permit. The temporary suspension of deportation and the permission to remain pending the asylum decision is not considered a lawful "residence/stay". • The stay is considered to be "on a permanent basis" when a renewal of the permit is not excluded and the change to a long-term residence permit is possible.

			• Furthermore, the foreigner is obliged to cooperate and disclose his/her protection status to the competent authorities. The transfer of responsibility takes place after two years of a "lawful residence/stay" or when the validity of the residence permit exceeds the validity of the travel document. 4. The readmittance of foreigners whom the German Federal Office for Migration and Refugees (BAMF) has incontestably granted refugee status is regulated by national law (Section 51(7) of the Residence Act, available in English at: https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html), as well as para 13(1) of the Schedule and Article 4 EATRR. Germany accepts to readmit a refugee as long as the German travel document is still valid and the responsibility has not been transferred to another state (according to the rules laid down in the Geneva Convention and the EATRR). The responsibility for persons whom another state has granted refugee status is considered to be transferred to Germany when the first State has not been requested readmission during the six months following the expiry of the travel document issued by the first State (Art. 2(4) in conjunction with Art. 4(1) EATRR). However, the stay in Germany has to be lawful and permanent as well as known to the authorities also in this case. In accordance with Art 14(1) EATRR, Germany made a reservation concerning the possibility of a transfer of responsibility as consequence of the unknown stay of a refugee according to Art. 4(2) EATRR. 5. As foreseen in Art. 15 EATRR, disputes shall be settled by direct consultation between the competent authorities. Accordingly, the local

			foreigner's authority cooperates directly with the responsible authority of the other Member State. If needed, the German Federal Police provides administrative assistance. If it is not possible to reach an agreement on this level, according to Art. 15 EATRR, the next step would be a settlement through diplomatic channels. The last step foreseen by Art. 15 EATRR is an arbitration. So far, the two last steps of dispute settlement have not been endeavoured. 6. Most of the main challenges are based on the fact that there is no uniform EU-legislation regarding the transfer of responsibility. Not all relevant states ratified the EATRR. Additionally, the interpretation concerning the scope (only refugee or also subsidiary protection status) as well as the interpretation of the regulations (e.g. starting time of two-year period) of the EATRR differs. Accordingly, the perception of the transfer process often diverges. Another challenge is the communication with the other state: The responsibilities are often unclear and the other state frequently takes long or fails to answer. 7. NO. Currently Germany does not collect data on this issue on a regular basis. However, a few observations can be shared. a) no vaild data b) no valid data c) Italy, Greece, Bulgaria (observation-based) 8. The German Federal Office for Migration and Refugees (BAMF) considers that returning status holders to Member States would not substantiate a violation of Article 3 of the ECHR, since the living conditions of persons with

			a recognized protection status in Member States are generally adequate. The asylum application is generally inadmissible in accordance to §29 I No. 2 Asylum Act (AsylG) due to the protection status in the Member State. However, exceptions to this can be considered. The necessary examination of the individual case and the consideration of the standards set by the ECJ for a violation of Art. 3 ECHR (or Art. 4 CFR) can in certain situations and in very exceptional cases lead to an admissibility of the application with subsequent substantive examination in the national asylum procedure to follow. 9. If the applicant has been granted subsidiary protection in the MS, there are no specifics to be considered regarding to the procedure in Germany. According to the circumstances of the individual case, the decision given must be what it would be even without the granting of protection in the MS. In the event of a rejection, a deportation warning needs to be issued with regard to the country of origin. If refugee protection is granted in the MS, the refugee status granted in the MS shall be withdrawn if the requirements for granting refugee status are not or no longer met (§ 73a of the Asylum Act). In the case of a revocation, a negative decision with a deportation warning with regard to the country of origin must be issued. If no cancellation takes place, a negative decision must be made without a deportation warning due to Section 60 (1) sentence 2 of the Residence Act. The reason for this is that Section 60 (1) sentence 2 of the Residence Act prohibits the deportation of a foreigner who has been recognised as a refugee by another MS.

			10. Regarding the explanations under the questions 8 and 9. If no cancellation takes place, a negative decision must be made without a deportation warning due to Section 60 (1) sentence 2 of the Residence Act. 11. YES. German Federal Administrative Court (Bundesverwaltungsgericht [BVerwG]), judgement of 07.09.2021 – 1 C 3.21: Assistance provided by NGOs shall be taken into account when forecasting whether beneficiaries of international protection in the Member State will be at serious risk of being treated inhuman or degrading within the meaning of Art. 4 CFR because they have to live in a situation of extreme material hardship, irrespective of their will and personal choices; which does not allow them to satisfy their most basic needs. Higher administrative courts (Oberverwaltungsgericht [OVG] or Verwaltungsgerichtshof [VGH]) supporting returns to Member States: OVG Mecklenburg Western Pomerania, judgement of 19.01.2022 – 4 LB 68/17 and 4 LB 135/17; OVG Rhineland Palatinate, judgement of 15.12.2020 – 7 A 11038/18; OVG Berlin-Brandenburg, decision of 04.01.2021 – 3 N 42/20; OVG Hamburg, decision of 22.05.2020 – 6 Bf 134 17.AZ; OVG Rhineland Palatinate, decision of 20.10.2020 – 7 A 10889/18 and decision of 17.03.2020 – 7 A 10903/18; OVG Saxony, judgement of 15.06.2020 – 5 A 382/18.A and judgement of 13.11.2019 – 4 A 947/17.A; VGH Baden-Württemberg, decision of 23.04.2020 – A 4 S 721/20; Bavarian VGH, decision of 11.02.2021 – 21 ZB 21.30181 Higher administrative court level denying returns to Member States: VGH Baden-Wuerttemberg of 27.01.2022 – A 4 S 2443/21; OVG Berlin-Brandenburg judgement of 23.11.2021 – 3 B 53.19, 3 B 54.19 and 3 B

			55.19; OVG Bremen judgement of 16.11.2021 – 1 LB 371/21; OVG Northrhine-Westphalia judgement of 20.7.2021 – 11 A 1674/20.A The majority of these higher court decisions are related to Greece. However, numerous rulings of the German administrative courts stated different opinions on living conditions in Member States. Those decisions examine the individual case that may explain an assumed violation of Art. 4 CFR taking the individual circumstances of each case into account. 12. The initial communication will be carried out via Inforequest. There is no established communication for further information on the applicant in case the applicant holds a status in a Member State.
	EMN NCP Greece	Yes	1. The relevant legal framework consists of the Article 28 of the Geneva Convention. Article 28 reads as follows: "1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence. 2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the

			Contracting States in the same way as if they had been issued pursuant to this Article.'' The recognition of Convention travel documents from other States is significant. The mere acceptance of the document presupposes the States recognition of the individual's refugee status which was determined by another contracting State party. As a result, if a beneficiary visits another contracting State, their refugee status should be accepted during their stay. In addition, Article 28 (1) empowers States to issue a travel document to refugees on their territory who are unable to obtain a travel document from their country of lawful residence. By allowing States to issue travel documents to persons whom were not subject to a fresh status determination also supports the extraterritorial nature of refugee status. Paragraph 11 of the Schedule of Article 282 also provides for the transfer of responsibility for the issuance of travel documents when they lawfully establish residence in the territory of another contracting State. • The 1980 European Agreement on Transfer of Responsibility for Refugees4 . This instrument was put in place to facilitate the application of Article 28 of the 1951 Refugee Convention as well as paragraphs 6 – 11 of its Schedule when a refugee has lawfully taken up residence in another country. It lays out the conditions under which responsibility for issuing a travel document is transferred from one contracting State to another. According to Article 2 of the Agreement, the transfer of refugee status 'shall be considered to be transferred on the expiry of a period of two years of actual and continuous stay in the second State with the agreement of its authorities or earlier if the second State has permitted the refugee to remain in its territory either on a permanent basis or for a period exceeding the validity of the Travel Document'.5 Important to state here that Greece has signed this Agreement but has not yet ratified it, with a national law and, as

			a result, is not applicable for Greece . • The European Agreement on the Abolition of Visas for Refugees There is also a Council of Europe Agreement on the Abolition of Visas for Refugees. It provides that refugees lawfully residing in the territory of a Contracting Party shall be exempt from the obligation to obtain visas for entering or leaving the territory of another party by any frontier. It also provides that a visa may be required for visits over three months. 23 Council of Europe States have ratified this Agreement. It is arguable that Member States are recognising the status of a refugee that was declared by another Member State when exempting them from the obligation to obtain a visa to enter their territory. Greece has neither signed nor ratified this Council of Europe Agreement on the Abolition of Visas for Refugees. 2. 3. Current absence, of an applicable legal instrument, as mentioned in Answer 1, regulating the issues of transferring responsibility for refugees, since Greece has signed the relevant Agreement of 1980 but has not yet ratified it, with a national law and, as a result, is not applicable for Greece. 4. Current absence, of an applicable legal instrument, as mentioned in Answer 1, regulating the issues of transferring responsibility for refugees, since Greece has signed the relevant Agreement of 1980 but has not yet ratified it, with a national law and, as a result, is not applicable for Greece. 5. Please see answer above.

			6. Only asylum seekers whose application has not yet been examined fall under the Dublin III Regulation. Therefore, the transfer of the person who has been granted international protection falls outside the scope of the Dublin Regulation. The competent Authority for arranging the transfer of beneficiaries of international protection is the Migration Management Division - Readmission Unit of Hellenic Police, according to Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, in particular article 6(2). 7. N/A 8. N/A 9. N/A 10. N/A 11. N/A 12. Greece exchanges information and cooperates with other Member States regarding the applications lodged in another MS by third-country nationals who are already beneficiaries of international protection in Greece. The competent service receives requests for information with reference to Article 34 Regulation (EU) No 604/2013, or take back requests with reference to Article 18.1(b) Regulation (EU) No 604/2013, concerning

			beneficiaries of international protection. In the first case, the competent service provides information about the status of international protection in Greece. In the second case, the other member state is informed that The Greek Dublin Unit has no competency upon transfer of people having been granted international protection in Greece. The following legislation is applicable on transfers of persons who, after having been granted international protection in one EU Member State (first State), move on to another EU Member State (second State). EU-legislation -Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, in particular article 6(2). -Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, in particular article 44-45. -Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, in particular article 14.
	EMN NCP Hungary	Yes	1. With some smaller exceptions, persons recognised as refugees or beneficiaries of subsidiary protection in Hungary shall have the same rights and obligations as that of the Hungarian nationals, as long as they have their status. The fact in itself that the given person is residing/staying in another Member State does not result in the transfer of responsibility.

			However, if the person becomes a beneficiary of international protection in another Member State, the person's status in Hungary may be withdrawn, and thus responsibility related to the person's status will be solely of the other state that recognises the person. 2. The foreign representation of Hungary shall issue a single-entry travel document to third-country nationals with permanent resident status, if his/her travel document was lost or destroyed abroad and cannot be replaced abroad or it would entail unreasonable difficulties, and thus he/she is unable to return to the territory of Hungary. 3. The actual place of residence/stay and whether it is a lawful residence/stay or not are not relevant with regard to responsibility as long as the person has a refugee status or is a beneficiary of subsidiary protection in Hungary: the person has the right to reside/stay within the territory of Hungary.A third-country national resides legally in Hungary if he or she is entitled to visa-free entry on the grounds of his or her nationality and the 90-day visa-free period has not expired. Furthermore, a valid visa or residence permit issued by the Hungarian authorities is required for legal residence. A residence permit issued by a Member State of the European Union entitles the holder to stay for a period not exceeding 90 days. 4. If, as a result of secondary movement, the person, who is a beneficiary of international protection in Hungary, becomes a beneficiary of international protection in another Member State, the person's status in Hungary may be withdrawn, and thus responsibility related to the person's status will be solely of the other state that recognises the person.In transfers based on

			readmission agreements, the Hungarian National Police Headquarters is the responsible body; they have information on the conditions of readmission. Without an existing readmission agreement, the third country national is required to have a single-entry travel document, for which an application may be submitted at a foreign mission of Hungary as per the applicant's place of residence. 5. No such disputes have occurred in practice. 6. The transfer of responsibility is not set and regulated under the applicable Hungarian legislation in place. Pursuant to Section 51 (2) b) of the Act LXXX of 2007 on Asylum, an application is inadmissible where the applicant was recognized by another Member State as a refugee or it granted subsidiary protection to him/her. 7. No. 8. No, as in such cases, pursuant to Section 51 (2) b) of the Act LXXX of 2007 on Asylum, the application is deemed inadmissible; therefore, no examination as to merits takes place. 9. N/A 10. N/A 11. No, there are no such decisions. 12. Regarding this area, there is no information exchange between the

			Hungarian authority and another Member State, especially as in procedures for recognition such asylum seekers are very rare. Information exchange is possible in specific cases.There is no statistical data available on the matter. As such is to be deemed as ground of inadmissibility, no examination as to merits takes place in the case; information exchange with another (i.e. the first state) may only involve (an) information request(s) whether the client still has his/her status (in the first state that recognised him/her) at the time of application. The Hungarian Dublin Unit may only send out information requests regarding the validity of the status of asylum seekers. However, according to some Member States, sharing such information is also outside the scope of the Dublin procedure.
	EMN NCP Ireland	Yes	1. Ireland is not a signatory to the European Agreement of the Transfer of Responsibility for Refugees and does not take part in the Long Term Residence Directive. Ireland does not transfer or accept responsibility for beneficiaries of International Protection. (The other questions are therefore not applicable). 2. 3. N/A 4. N/A 5. N/A

6. N/A

7.

	Three main countries of origin	N. applications from Jan 2018 to Dec 2020	Three main first states
If YES	Somalia, Eritrea, Syria	2018 - 40 2019 - 32 2020 – 15	Italy and Greece are the main countries by far with smaller numbers granted in Malta, France, Romania

8. Yes, in cases where return to the first state would violate the rights of the person concerned under Article 4 of the Charter of Fundamental Rights of the EU (Article 3 ECHR).
In Ireland, applications for international protection from beneficiaries of international protection in other EU Member States are considered inadmissible pursuant to section 21(2)(a) of the International Protection Act 2015, as amended. This provision gives effect to Article 25 of the Asylum Procedures Directive 2005/85/EC.
Ireland does not participate in the recast Asylum Procedures Directive 2013/32/EU. The CJEU recently published a ruling on a preliminary reference from Ireland regarding the Irish inadmissibility procedure and the compatibility of the Dublin III Regulation 604/2013 and the Asylum Procedures Directive 2005/85/EC (MS and others, C-616/19). The CJEU held that, given the objectives of the Common European Asylum System, Member States that are not bound by the recast of the Asylum Procedures Directive, such as Ireland, are not precluded from considering an

			international protection application inadmissible if the applicant already holds subsidiary protection status in another EU Member State. An inadmissibility decision can be appealed within 10 working days to the International Protection Appeals Tribunal (IPAT). Section 50A of the International Protection Act 2015, as amended, affirms the prohibition of refoulement for persons whose applications for international protection have been determined to be inadmissible under section 21. In line with the CJEU ruling in Ibrahim (Joined Cases C-297/17, C-318/17, C-319/17 and C-438/17), while there is a presumption of mutual trust between Member States, a court or tribunal hearing an action against an inadmissibility decision is obliged to consider evidence available to it as regards the existence of a risk of suffering or treatment contrary to Article 4 of the Charter of Fundamental Rights of the European Union (CFREU), and to assess the level of severity of that risk. Where there exists a risk of exposure to a particularly high level of severity, amounting to extreme material poverty, the individual concerned shall not be returned to that Member State. This assessment was followed in a recent ruling from the Irish High Court in HZ (Iran) v. the International Protection Appeals Tribunal and the Minister for Justice and Equality [2020] IEHC 146. The High Court dismissed a challenge against an inadmissibility decision by a person who held refugee status in Greece and applied for international protection in Ireland. The applicant had maintained, inter alia, that they would be returned to conditions in Greece that would violate their rights under the CFREU and the European Convention of Human Rights. The High Court found

			that the systemic deficiencies alleged by the applicant did not meet the threshold required to prevent their transfer (described in further detail under Q11 below). 9. Ireland as a second country assessing an application does so on the individual merits of the application received. Each application is examined based on the information before the International Protection Officer. While there are cases where an individual may be granted the same permission as given in previous countries, there are also cases where International Protection Officers have come to an alternative conclusion in respect of an application. It is open to individuals to seek to review any decision they believe incorrect. 10. Where an applicant is unsuccessful in being granted refugee status or subsidiary protection, they are considered for permission to remain. The principle of non-refoulement is considered at all stages and it would also be given consideration should an applicant be unsuccessful in being granted any of the statuses or permissions outlined. 11. No. There have been no decisions by national courts to not allow the return of a beneficiary of international protection to a first state based on systemic deficiencies. Section 50A of the International Protection Act 2015, as amended, prohibits the refoulement of persons whose applications for international protection have been deemed inadmissible under section 21 of the 2015 Act. Challenges to inadmissibility decisions in tribunals and courts are considered on the basis of whether a return to the first EU Member State would expose

			the applicant to a risk of suffering or treatment contrary to Article 4 of the Charter of Fundamental Rights of the European Union (Article 3 ECHR). An applicant shall not be returned to an EU Member State where that risk is established and meets a threshold of a particularly high level of severity. The procedure followed was set out in a recent case from the Irish High Court, H.Z. (Iran) v International Protection Appeals Tribunal and the Minister for Justice and Equality [2020] IEHC 146. The appellant was a refugee status holder in Greece whose application for international protection in Ireland was deemed inadmissible. The appellant appealed the inadmissibility decision to the International Protection Appeals Tribunal (IPAT). IPAT upheld the initial inadmissibility decision. In a subsequent appeal to the High Court, the High Court held that it was open to IPAT to determine if the applicant would face treatment in Greece that would breach a level of severity threshold that would violate the applicant's rights under Article 4 of the Charter of Fundamental Rights of the EU. In its judgment, the High Court relied on the CJEU case of Ibrahim (Joined Cases C-297/17, C-318/17, C-319/17 and C-438/17). It held that the applicant's case did not meet the established threshold to prevent their return to Greece, which is required to be one of 'extreme material poverty'. 12. No.
	EMN NCP Italy	Yes	1. EATRR in limited mode 2.

			3. N.A 4. Readmission is accepted exclusively on the basis of holding the status of refugee or subsidiary protection 5. Dialogue with the authorities of the counterpart state 6. N.A 7. NO 8. Normally this should not happen because the check should be made when the application is formalised. They only arrive at the commission if there is no knowledge of the previous recognition (i.e. the application is submitted omitting this aspect and nothing appears in afis). In such a case the ordinary procedure applies, even if it is wrong. If notice is given in the course of the hearing, a request is made under art. 34 Reg. 604/2013 to ask if the applicant is still recipient of the status (in some countries the status is lost following land displacement). If the applicant has lost the status, it is examined, otherwise the application should be declared inadmissible. 9. N.A 10. N.A 11. N.A

			12. Yes. Exchange of information consists of requesting/receiving readmission applications on the basis of the "EATRR" and accepting/rejecting readmission requests on the basis of the "EATRR"
〓	EMN NCP Latvia	Yes	1. So far we have not had cases where it was necessary to decide on the transfer of responsibility for beneficiaries of international protection. Thus a legal framework and practice on that issue has not been established yet. 2. 3. N/A In case when the beneficiary of international protection wishes to stay in the country longer than 90 days within period of 180 days the residence permit can be issued taking into account purpose of the stay and the requirements of the Immigration Law. 4. According to the national legislation and practice a person who has obtained one of the international protection statuses always will be readmitted to the Republic of Latvia unless he has not lost his/her refugee or subsidiary protection status. 5. N/a 6. So far we have not had cases where it was necessary to decide on the

			transfer of responsibility for beneficiaries of international protection. 7. No. 8. No, we have not had such cases until now. 9. N/a 10. N/a 11. No. 12. No such practice.
	EMN NCP Lithuania	Yes	1. The national legal framework and practice is not established because there were no such cases reported. The Geneva Convention, bilateral agreements could apply. 2. 3. N/a, see Q1. 4. If Lithuania has granted protection to a person (which is valid), the transfer of such person shall be carried out in accordance with the readmission agreement concluded between Lithuania and other state (under

			the conditions specified in these agreements, assessing each individual case). 5. No such cases reported. 6. N/a, as there were no such cases reported. 7. Not available. 8. N/a, no practice. 9. N/a. 10. N/a. 11. No. 12. No such practice reported.
	EMN NCP Luxembourg	Yes	1. Prior to any further action, Luxembourg would like to stress that it has not ratified the EATRR, and that there is no national legislation concerning the transfer of responsibility. Since there is no specific legal basis other than the very general provisions of the Geneva Convention governing the transfer of responsibility, Luxembourg has therefore put in place a pragmatic practice

			in order to allow any beneficiary of international protection who have been legally residing in Luxembourg for several years to obtain a travel document. The answers provided below reflect the current Luxembourgish practice but do not constitute in any way an interpretation of the provisions of the EATRR. Luxembourg signed and ratified the 1951 Geneva Convention and its protocols but as stated above, Luxembourg signed but did not ratified the EATRR. As a Benelux member State, Luxembourg is bound by the Switzerland-Benelux agreements of 14 May 1964 on the movement of refugees and on the right of return of refugee workers and by the Austria-Benelux agreement of 12 June 1964 on the stay of refugees within the meaning of the 1951 Convention relating to the status of refugees. 2. Issuance of travel documents for refugees, Issuance of travel documents for beneficiaries of subsidiary protection, Granting of other material rights to refugees, Granting of other material rights to beneficiaries of subsidiary protection, 3. In Luxembourg in order to be considered as in a lawful residence/stay in Luxembourg, a third country national/beneficiary of international protection has to possess one of the authorisations of stay foreseen in article 38 of the modified law of 29 August 2008 concerning the free movement of persons and immigration, fulfilling all the requirements of the respective authorisation of stay and the entry conditions(see Judgement

			n°40306C of 25 September 2018 of the Administrative Court). 4. If Luxembourg grants an international protection (refugee status or subsidiary protection), the beneficiary can return to Luxembourg at all time. Even if the residence permit is no longer valid and the beneficiary of international protection has left the country, the person is readmitted to Luxembourg since the validity of the residence permit has no influence on the effectiveness of the protection granted. 5. Until now, Luxembourg never had to deal with disputes of competence with another EU member State. 6. As explained in the introduction of the query, Luxembourg has not ratified the EATRR so that there is no legal specific basis for the transfer of responsibility. Every application is analysed on a case by case basis and Luxembourg always aims to find a solution in the best interest of the beneficiary of international protection. 7. No, unfortunately Luxembourg does not have any statistical data on these cases and the information provided below are only rough estimates. Irak Afghanistan 2018: 19 appl. (26 persons) 2019: 52 appl. (80 persons) 2020: 27 appl. (45 persons) Italy

			Greece Malta If NO, can you please indicate if this situation creates a challenge for the authorities in your Member State. Yes this situation does create a challenge for Luxembourgish authorities as the number of these applications is rising. Furthermore, the situation complicates when a beneficiary of international protection in another European country files an application for international protection in Luxembourg and gives birth to a child in Luxembourg during the procedure. Since this new born is not a beneficiary of international protection in the first country, it is questionable whether the same procedure is applicable for all the family members. Since the relevant EU Law provisions don’t give a clear answer, the Luxembourg administrative Tribunal did request the European Court of Justice for a preliminary ruling (C153/21). 8. In accordance with article 28 (2) a) of the amended law of 18 December 2015 on international protection and temporary protection, the Minister in charge of Asylum and Immigration may take a decision of inadmissibility, without checking whether the conditions for granting international protection are met, when international protection has been granted by another Member State of the European Union. Nevertheless, if the applicant risks a violation of article 3 of the European Convention on Human Rights / article 4 of the European Charter of

			Fundamental Rights in the first European member State, Luxembourg will declare the application admissible and take a decision on the merits. If you answer YES, can you please explain in which procedures and under which conditions these examinationsapply. Cf supra 9. If an application filed by a beneficiary of international protection in a first member State is declared admissible, Luxembourg examines the application on the merits. It is possible that in Luxembourg the outcome is different from what was decided by the first member State. Luxembourg can grant the refugee status, the subsidiary protection and can even refuse the application. 10. Luxembourg fully respects the principle of non-refoulement and no third country national is returned to his/her home country if there is a risk that he/she will be victim of torture or inhuman and degrading treatment. 11. No, the Luxembourg administrative Tribunal always proceeds to a case by case analysis. 12. Luxembourg does not exchange information with other Member States regarding the applications lodged by third-country nationals who are already beneficiaries of international protection in another Member State.

			Luxembourg may contact other Member States (through the Police, the Dublin Unit or the Readmission Unit) to confirm protection status of the person, but only if the data obtained from the Eurodac system is not clear.
	EMN NCP Netherlands	Yes	1. The legal framework in the Netherlands is based on the Geneva Convention, the EATRR and national regulations. There are at least two situations for third-country nationals who are beneficiaries of international protection in another Member State to reside legally in the Netherlands where the transfer of responsibility may become relevant: 1. A beneficiary of international protection of another Member State, who is also a long-term resident of that Member State within the meaning of EU Directive 2011/51/EU can apply for a regular residence permit in the Netherlands for inter alia work, family life or study. If a beneficiary of international protection of another Member State, who is also a long-term resident of that Member State, is in possession of a regular residence permit in the Netherlands, and if on the basis of the EATRR the responsibility actually is transferred to the Netherlands, ex officio a temporary / permanent asylum residence permit can be granted.[1] 1. By applying for asylum in the Netherlands. However, in general having been recognised as a beneficiary or international protection in

			another Member State is a ground to declare the application inadmissible (for further explanation see the answer for question 8). It should be noted that it appears that responsibility can be transferred (directly) on the basis of the EATRR. However the Netherlands is looking for clarification of certain aspects of this treaty. The Aliens Act Implementation Guidelines (Vc) 2000 section C6 contains the additional Dutch policies to the treaty.[2] Furthermore the Netherlands has so far no experience with the transferring of responsibilities for beneficiaries of international protection. [1] Articles 28.1.e and 33.d of the Aliens Act (Vw) 2000. [2] Section C6/1 and 2 of the Aliens Act Implementation Guidelines (Vc) 2000). 2. 3. Regarding questions 3 – 6: no information available, as it is currently unclear how the rules on transfer of responsibility under the EATRR should be interpreted. 4. Please see the answer to question 3. 5. Please see the answer to question 3. 6. Please see the answer to question 3.

			7. No, the Netherlands does not (yet) register in national systems whether or not someone is already a beneficiary of international protection in another Member State.[1] Based on Eurodac it is possible to determine how many beneficiaries of international protection applied for asylum. However, based on the registration in Eurodac it is not always possible to determine which country has granted the status. Also, Eurodac does not provide the full picture, because firstly migrants of a certain age are not registered in Eurodac, secondly the international protection status can be observed based on own declarations of the migrant, and thirdly sometimes the status is granted after the application in the Netherlands.[2] [1] This information was provided by the Immigration and Naturalisation Service on 11 November 2021. [2] This information was provided by the Immigration and Naturalisation Service on 18 February 2022. 8. In principle, the Netherlands does not examine an application for international protection filed by a beneficiary of international protection already recognised as such in a first State. Being recognised as a beneficiary of international protection is a ground to declare the application inadmissible on the basis of art. 30a(1) under a of the Aliens Act (Vw) 2000. Therefore the application is processed in the accelerated asylum procedure. In the accelerated asylum procedure, there is no rest and preparation period and the applicant only has one personal interview. The applicant is given the opportunity during the interview to indicate why he or she cannot go to the first State where he or she already is recognised as a beneficiary of international protection.[1]

			However, if there are reasons not to declare the application inadmissible, for example if a situation arises as in the case of Germany vs. Hamed and Omar, the application will be examined. [1] Dutch Government, 'What are the procedures for applying for asylum? ('Hoe verloopt het aanvragen van asiel?'), https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/procedure-asielzoeker, last accessed on 10 January 2022. 9. In principle the Netherlands does not examine an application for international protection filed by a beneficiary of international protection already recognised as such in a first State, as explained above (Q.7). However, if a situation arises where the application is examined and the Netherlands comes to a different conclusion than the first State, the Netherlands does its own assessment and does not adopt the conclusion and status of the first State. In practice, this could mean that the application for international protection is rejected and the individual will have to return to their country of origin or to the first State (which granted protection). If the Netherlands does grant international protection, this decision is communicated to the first State.[1] [1] This information was provided by the Immigration and Naturalisation Service on 3 February 2022. 10. If there is reason to examine the application, a full examination is conducted with attention to non-refoulement. In addition, it is possible to appeal against the rejection of the asylum application and thus challenge the

			compliance with the principle of non-refoulement. There is however no case law available on this situation arising in the context of applicants already recognised as beneficiaries of international protection in another Member States.[1] [1] This information was provided by the Immigration and Naturalisation Service on 3 February 2022. 11. Yes, there have been two rulings[1] in relation to the return of beneficiaries of international protection to the first state (in this case Greece). In essence the rulings did not prohibit the return of the migrant, but they require the Minister for Migration to better motivate why the migrant can be returned despite the situation in Greece. Awaiting further examination of the situation in Greece, the Immigration and Naturalisation Service cannot decide on these cases at the moment. The rulings relate to the Ibrahim case of the CJEU.[2] Background: The Council of State determined on 28 July 2021 in two rulings[3] that the Minister for Migration did not motivate sufficiently that the beneficiary of international protection could be returned to Greece based on the principle of mutual trust between the Member States. The motivation was not considered sufficient due to reports on a changing situation in Greece, as it appeared that Greek authorities are not always able to guarantee that beneficiaries of international protection would not end up in situations in which they cannot provide for basic needs. The latter was determined also in light of the adjusted Greek law in 2020 that restricts the right of reception

			and material provisions. The outcome of the two rulings differs from a previous ruling in 2018 that considered that the situation in Greece was difficult, but not to the extent that the beneficiary of international protection could not return.[4] These new rulings entail that the Minister for Migration has the option to better motivate why the beneficiary of international protection could return to Greece or to examine the asylum application instead.[5] The Minister declared in September 2021 to further examine the situation of beneficiaries of international protection in Greece. Meanwhile the Immigration and Naturalisation Service has extended the decision period for certain pending applications by 9 months, while awaiting the examination.[6] [1] Council of State (ABRvS), 202006295/1/V3 (ECLI:NL:RVS:2021:1627) and 202005934/1V3 (ECLI:NL:RVS:2021:1626). [2] C-297/17, Ibrahim case, CJEU, ECLI:EU:C:2019:219. [3] Council of State (ABRvS), 202006295/1/V3 (ECLI:NL:RVS:2021:1627) and 202005934/1V3 (ECLI:NL:RVS:2021:1626). [4] Council of State, 201706354/1/V3, (ABRvS), (ECLI:NL:RVS:2018:1795). [5] Council of State, ´ Staatssecretaris moet beter uitleggen waarom statushouders wél terug kunnen naar Griekenland´, Staatssecretaris moet beter uitleggen waarom statushouders wél terug kunnen naar Griekenland - Raad van State, last accessed on 11 January 2022. [6] Parliamentary Papers II, 2021-2022, 32317 no. 719. 12. Yes, the Netherlands exchanges information with other Member States in

			order to obtain necessary information (e.g. information on granted international protection), but does not actively share information with other Member States in case the credibility of the asylum claim is questioned.[1] The following information exchange takes place: • A request for information in the context of article 34 of the Dublin Regulation[2] is demanded/taken into account from the first State, e.g. to find out with which personal data the migrant is registered in the other state, or to see whether international protection was granted in case this is not registered in Eurodac. • The IND uses readmission requests for example in order to get to know whether a granted status is still relevant or to find individual guarantees for particularly vulnerable migrants. The Repatriation and Departure Service (DT&V) uses these requests to get agreement on return to the first state in case the migrant does not want to return voluntarily within the applicable term. [1] This information was provided by the Immigration and Naturalisation Service on 3 February 2022. [2] Regulation (EU) No 604/2013.
	EMN NCP Poland	Yes	1. Geneva Convention on Refugees and the European Agreement of 16 October 1980 on Transfer of Responsibility for Refugees. Poland is a part of a EATRR since 2005. In Poland there are no other national regulations, bilateral or multilateral agreements in this matter.

			2. Issuance of travel documents for refugees 3. No specific criteria are determined in national law. 4. The Polish Border Guard actively applies the provisions of EATRR (European Agreement of 16 October 1980 on Transfer of Responsibility for Refugees) in terms of readmission (Art. 4.1). 5. The Office for Foreigner has not observed such disputes. In case of the Border Guard - each case is analysed on the level of the Border Guard Headquarters which issues the consent in this context and approves the transfer. 6. There are no specific legal grounds which could regulate transfer of responsibility for beneficiaries of international protection. However it should be noticed that in practice in Poland there are only few transfers of this kind. 7. a) Russian Federation, Iraq, Iran/Syria (the same number of applications both for Iran and Syria) b) 16 c) France, Greece/Bulgaria (the same number of application both for Greece and Bulgaria) 8. Yes, Poland examines such application using inadmissible procedure. However in line with the ruling of the ECJ on 13. November 2019 it is still possible to check in such procedure if the applicant’s fundamental rights described in art. 4 Charter of Fundamental Rights of the European Union,

			will be secured after the transfer. 9. Poland hasn't noticed such situations. However - in theory – it is possible to grant both refugee status or subsidiary protection in such situation. 10. It is still possible to grant national protection. 11. No. 12. Yes, Poland in case of any doubts asks to confirm if applicant received international protection in other MS.
	EMN NCP Portugal	Yes	1. Bilateral Agreement with Greece. 2. Issuance of travel documents for refugees, Issuance of travel documents for beneficiaries of subsidiary protection, Granting of other material rights to refugees, Granting of other material rights to beneficiaries of subsidiary protection All responsibilities are transferred, including issuance of residence and travel documents for refugees and subsidiary protection, housing, access to National Health Service, education and to labor market. 3. On a request for transfer the beneficiary must have a valid travel document and a EU residence card. We also request a document with a translation of the decision content: status and grounds for granting (abstract - not necessary to have access to the complete file)

			4. Portugal accepts readmission based on Bilateral Agreements and the person must have a valid residence permit. 5. We proceed in accordance with Bilateral Agreements. 6. Not all member states have ratified the European Agreement on Transfer of Responsibility for Refugees, so transfer of responsibility as a beneficiary of international protection can only occur through bilateral agreements. 7. No. No. 8. No. 9. N/A 10. N/A 11. No. 12. Yes, as mentioned in the examples.
	EMN NCP Slovakia	Yes	1. • Convention Relating to the Status of Refugees (Geneva Convention)

			from 1951 and Protocol Relating to the Status of Refugees from 1967 • Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person • Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents in the wording of Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection • (the Slovak Republic did not accede to the European Agreement on Transfer of Responsibility for Refugees (1980)) • Act No. 480/2002 Coll. on Asylum as amended • Act No. 404/2011 Coll. on Residence of Foreigners as amended 2. Issuance of travel documents for refugees, Issuance of travel documents for beneficiaries of subsidiary protection, Granting of other material rights to refugees, Granting of other material rights to beneficiaries of subsidiary protection The Slovak Republic issues following documents: - Travel documents for persons who have been granted asylum - Travel documents for persons with granted subsidiary protection and does not have their own travel document- Residence document: • In the case of a third country national who has been granted a long-term residence permit based on asylum granted on the grounds of persecution or based on subsidiary protection granted on the grounds of serious harm.• In the case of a third country

			national who has been granted a long-term residence permit after having had the status of a long-term resident in another Member State based on granted international protection in this state. This is unless the international protection was finally withdrawn. Before issuing a residence permit pursuant to the preceding sentence, the police department shall inquire the Member State that provided international protection to the third country national as to whether or not the international protection persists.• The police department shall issue a new residence permit to a third country national who has been granted a permanent residence permit if a Member State informs that the third country national has been provided with international protection and under "Remarks" they put the text "International protection provided in" followed by the Member State which provided the international protection, and the date of providing of such international protection.• A foreigner who has been granted asylum shall be issued with a residence permit. The police department issues to a foreigner, who has been provided subsidiary protection, a residence permit. In the case of an international protection granted by another Member State, Article 11 par. 1 letter d) the Asylum Act is applied: "The Ministry of Interior shall reject an application for asylum as inadmissible if a Member State of the European Union has granted asylum or subsidiary protection because of serious harm; this does not apply if the Slovak Republic has agreed to the transfer of the foreigner to its territory"This means that this provision allows for the transfer of responsibility only if the Slovak Republic has agreed to the transfer of such a foreigner to its territory and a formal asylum procedure takes place under the Asylum Act, under which the foreigner is granted some form of international protection.In the case of termination of the international protection granted by another Member State, one of the

			criteria according to Article 18 par. 1 letter c), or Article 12 par. 4 of the Dublin Regulation would be used. In the case of application of Article 12 par. 4 would apply the applicant for international protection would be considered as a (former) holder of a residence permit.If the persons are in asylum procedure, they would have same material conditions as any other applicants. In the case of persons who have been granted asylum or subsidiary protection in another EU Member State, such persons may stay in the territories of other Member States only in compliance with the Schengen Border Code. If they want to obtain a residence in the Slovak Republic, they must meet the conditions under the Act on Residence of Foreigners.If the persons were granted long-term residence in another EU Member State (they had been granted asylum/subsidiary protection in another Member State long enough to meet the conditions for granting long-term residence) - such foreigner may apply for temporary residence pursuant to the Act on Residence of Foreigners, while meeting the legal conditions. 3. It is determined on the basis of the Act on Asylum No. 480/2002 Coll., Article 22. Until the decision on the application for asylum is taken, the applicant is entitled to stay in the territory of the Slovak Republic, unless regulated otherwise by the Act on Asylum or special regulations. The applicant is not entitled to stay in the territory of the Slovak Republic: • if it is a repeated application for asylum and the Ministry of Interior has in the past: rejected the application for asylum as manifestly unfounded, not granted the asylum, withdrawn the asylum, not extend the subsidiary protection, or revoked the subsidiary protection

			and there has been no significant change of the facts since the decision was effective; the Ministry of Interior may decide whether the application for asylum was submitted solely with the aim of averting the imminent deportation from the Slovak Republic (Article 11 para. 1 letter f) of the Act on Asylum) or if it is a repeated application and the Ministry of Interior has in the past rejected the application for asylum as manifestly unfounded and the decision on (non)granting asylum can not be decided based on the above stated for the reason that the facts considerably changed (Article 12 par. 2 letter g) of the Act on Asylum) • if the Ministry of Interior has rejected the application for asylum based on the stated above (bullet point 1) and decided that the application for asylum was submitted solely with the aim of averting the imminent deportation from the Slovak Republic. The applicant is also entitled to stay in the territory of the Slovak Republic, unless the Act on Asylum or a special regulation provides otherwise, even (a) during the time limit for bringing an administrative action against a decision given in the asylum procedure, if the bringing of an administrative action does not have suspensory effect, b) if, together with the administrative action pursuant to letter a), it also submits to the administrative court an application for a suspensory effect, pending the decision of the court on such an application, c) during the time limit for filing a cassation complaint against a decision of an administrative court concerning an administrative action against a decision of the Ministry of Interior issued in an asylum procedure, (d) if, together with the cassation appeal pursuant to subparagraph (c), it

			also submits an application for suspensory effect, pending the decision of the cassation court on such an application. A person with granted residence in another Member State must meet the conditions of the Schengen Border Code. If he/she does not meet the conditions and stays in the Slovak Republic without authorization there is an administrative expulsion procedure in place and such a person would be returned to the territory of the Member State in which he/she is granted residence. 4. In case of applicants for international protection the Dublin Regulation would apply. In case of persons with residence in the Slovak Republic (asylum, subsidiary protection, long-term residence) the Member States can request readmission in line with readmission agreement. The condition is to have a legal residence in the Slovak Republic. Each case is assessed on the individual basis. 5. If this is a Dublin transfer it is dealt by the Dublin Centre of the Migration Office of the Ministry of Interior of the SR. However, the Slovak Republic has only very limited experiences in this regard. 6. The Slovak Republic does not have many such cases, so we are not able to provide information on challenges. 7. Yes, but we are not able to provide the statistical results.

			8. Yes, if there are no facts that prevent the application from being rejected as inadmissible (pursuant to ECJ resolutions C540-17 and C541-17), the application will be rejected as inadmissible, i. e. will not be assessed on the merits of the case. However, should the facts in question occur in the first MS, the application will be duly assessed in full. (Article 11 par. 1 letter d) of the Act on Asylum) The Ministry of Interior shall reject an application for asylum as inadmissible if a Member State of the European Union has granted asylum or subsidiary protection due to serious harm; this does not apply if the Slovak Republic has agreed to the transfer of the foreigner to its territory." 9. If we were to state the situation in the above-mentioned joined case, his/her request would then be assessed on the merits of the case. We would not perceive a different conclusion as the first Member State to be problematic, as this would probably only happen in isolated cases. If he/she would obtain international protection in the Slovak Republic, he/she would enjoy the relevant benefits in the territory of the Slovak Republic. If he/she would not obtain the international protection, the Act on the Residence of Foreigners would be applied and he/she could stay in our territory in accordance with the conditions set out therein. 10. Based on the Act on Residence of Foreigners Article 81, where the direct as well as indirect non-refoulement principles are set. 11. No, there are no such decisions of national courts.

			12. Yes, in specific cases and based on the needs (e.g. family reunification) we proceed in cooperation with the relevant Member State.
	EMN NCP Spain	Yes	1. Geneva Convention, EATRR, and national regulations. 2. Issuance of travel documents for beneficiaries of subsidiary protection 3. Type of residence permit and length of stay. 4. Expiry of the travel document issued by the first State; expiry of the travel document issued by the first State in the case of a stay which was previously unknown to the authorities of the second State. (in case the responsibility transfer was not completed) 5. . Based on bilateral negotiations. 6. Impossibility of extension to beneficiaries of subsidiary protection.

			7. No, we can only check this possibility case by case through Eurodac database, but this comes into the Dublin III Regulation procedure, which is out of the scope of this report. 8. Only on a case by case basis, in case of International Protection granted by non-EU countries and under the conditions established in the mentioned ruling. 9. Please distinguish between beneficiaries of subsidiary protection and recognised refugees. Rejection of this kind of application has the same effects as for any other international protection application (art 37 Spanish Asylum Law) with the possibility to apply, on a case by case basis, the paragraph 2 of art. 37. 10. Same answer than question 9. 11. No 12. Only through Eurodac database and Dublin III Regulation, which is out of the scope of this report. (e.g. admission by the second State, readmission of the person by the first State, family reunification, measures terminating residence and withdrawal

			or revocation of protection status)
	EMN NCP Sweden	Yes	1. The EATRR is applicable in SE. It is based on Art. 28 para. 1 of the Refugee Convention in conjunction with Sections 6 (1) and 11 of the Annex to the Geneva Convention. EATRR applies normally in cases where a third-country citizen, who is recognized as a refugee in another MS, applies for a residence permit in SE due to other reasons than international protection. E.g., a Somali man recognized as a refugee in IT applies for a residence permit in SE due to marriage to a person with a residence permit in SE. In such a case, a residence permit is granted if the criteria are fulfilled. After two years, SE may issue a travel document (according to Article. 1 b) and Article 2 EATRR. 2. Issuance of travel documents for refugees, 3. As regards "Other" in Q2, it should be noted that when a residence permit with a validity of 12 months or longer is issued, the person is registered as resident in SE. With the registration follows that the person receives the benefits that apply for all persons resident in SE. The person is not automatically granted refugee status in SE, but may apply for this (see Chapter 4, Section 3 c of the SE Aliens Act (2005:716)). In such a case, the application is examined in accordance with the Asylum Procedures Directive (2013/32/EU) and the Qualification Directive (2011/95/EU). Answer to Q3: Normally residence permit for two years. A residence permit is issued on the condition that the person is staying/will be staying in SE. SE has implemented Directive (2003/109/EC) concerning the status of third-

			country nationals who are long-term residents. Through Directive 2011/51 the scope of Directive 2003/109/EU was extended to beneficiaries of international protection. The changes in the amendment were in place in Swedish national legislation on the 1st of May 2014. In accordance with 2003/109/EU, a person with long-term residence in another Member State is to be granted a residence permit in Sweden due to the long-term residence status in the other Member State. After five consecutive years in Sweden with a residence permit or a legal residence on other grounds (lawful stay), the person may be granted long-term resident status in Sweden, and consequently also a permanent residency. Should a person be granted a long-term residence status in SE, the other Member State is to be informed about the decision (Chapter 7, Section 19 the Swedish Aliens Ordinance). This dialogue is to be launched through a national contact point, that each Member State is obliged to have. 4. If a person has refugee status or subsidiary protection status (which is not revoked), there is an obligation, according to national legislation, to issue a residence permit even if a previous residence permit has expired. The condition is that the person will be staying in Sweden. See Chapter 5, Section 1 in the Swedish Aliens Act. 5. There are no concrete general answers to this question. This is decided individually in each case. 6. This may be bureaucratic and there could be differences from one Member State to another.

			7. Three main countries of origin Syria, Somalia and Afghanistan Number of applications from January 2018 to December 2020 2018: 434 2019: 580 2020: 389 Three main first States Greece, Italy and Germany 8. No, Article 33.2 a) of the Asylum Procedures Directive is implemented in the Swedish national legislation and it is normally applied. If a decision on non-admissibility and expulsion however would violate e.g. the respect of family life in Article 8 of the European Convention of Human Rights or the principles set out in the jurisprudence of the CJEU or the ECtHR listed above, the application may be admissible and examined on the merits according to the Asylum Procedures Directive and the Qualification Directive. The Swedish Migration Agency has internal guidance for these situations, see RS/065/2021. This document also includes references to national jurisprudence. 9. The Swedish Migration Court of Appeal has in precedential jurisprudence stated that international protection may be denied, and that the applicant may be expulsed to the country of origin or to the first state that has granted the status (see MIG 2017:27). The case concerned a person that has been granted subsidiary protection in another MS, but it would apply for persons with refugee status as well. 10. See Q 3 above. The Migration Court of Appeal stated that it is in compliance with the non-refoulement principle, as SE has made an

			examination on the merits in accordance with the Asylum Procedures Directive and the Qualification Directive. 11. No. 12. Yes, Sweden provides information about the status in Sweden such as if a residence permit has been issued and if it is still valid or not, if an application for renewal has been issued or if a status has been revoked. Information about family members is not necessarily given.

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