

Comparative overview of national protection statuses in the EU and Norway

National Contribution from Republic of Bulgaria

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Top-line factsheet [max. 1 page]

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

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

The present study is an overview of the current national protection statuses in the Republic of Bulgaria and a follow up of the 2010 EMN study 'The Different National Practices Concerning Granting of Non-EU Harmonised Protection Statuses'.

The main goal of the study is to shed light on the national protection statuses in the Republic of Bulgaria which are out of the scope of the the Qualification 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 and Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Both Directives have been transposed into the Law on Asylum and Refugees (promulgated, State Gazette No. 54/31.05.2002, last amended and supplemented, SG No. 34/23.04.2019). By transposing the Qualification Directive 2011/95/EU in 2015, the concept "international protection" was introduced to the Bulgarian national legislation and concepts like "subject of persecution", "actions of persecution", "subject of protection", "subsequent application for protection", "child`s best interest", "family members" and others, together with the grounds for granting international protection were enhanced.

In compliance with the Law on Asylum and Refugees (LAR), **the Republic of Bulgaria provides the following types of protection:**

1. **Asylum** – granted by the President of the Republic of Bulgaria according to the provisions of the Constitution of the Republic of Bulgaria.
2. **Temporary protection** – granted by the Council of Ministers of the Republic of Bulgaria in case of an event of massive influx of foreigners into the country.
3. **International protection** – granted by the State Agency for Refugees within the Council of Ministers of the Republic of Bulgaria. It consists of refugee status and humanitarian status.

The international protection is granted on the basis of the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and other international acts related to the protection of the human rights.

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The humanitarian status provided by the national legislation corresponds to the institute of subsidiary protection as it is stated in art.15 of the Qualification Directive 2011/95/EU.

Till the end of 2018 (the time line of this study), **the constitutional asylum, granted by the President of the Republic of Bulgaria, is the only non-EU harmonised protection status in Bulgaria.**

On the other hand, in 2018 legislative changes for regulating the statue of the UAMs who do not seek protection in the country were foreseen in the Law on Foreigners in the Republic of Bulgaria (LFRB)¹. These changes aim to create a legal possibility of granting a prolonged residence permit to this particular group of children (until become of age).

The analysis shows that the Bulgarian national legal framework implements more favorable provisions than the minimal standards established by the Qualification Directive 2011/95/EU.

It also defines wider range of individuals who are eligible for international protection than the ones envisages in the Qualification Directive. With regards to the refugee and humanitarian statuses, according to art.10 of LAR, refugee status is granted to any third-country national who is in the territory of the Republic of Bulgaria and has been recognized as refugee within the mandate of the United Nations High Commissioner for Refugees and humanitarian status, according to art.9 (8) of LAR, can be granted on the basis of other reasons of humanitarian nature as well as reasons foreseen in the Conclusions of the Executive Committee of the United Nations High Commissioner for Refugees.

An example of the above is the validity period of the residence permit granted to foreigners benefiting from the status of refugee or humanitarian status. The Qualification Directive envisages that refugees should be issued residence permits valid for at least three years and beneficiaries of the status of subsidiary protection should receive a residence permit valid for at least one year while the Bulgarian national legislation stipulates that these residence permits are granted for an initial period of three to five years and three years, respectively.

Refugee and humanitarian status is also granted to family members of a person with refugee or humanitarian status as long as the family relations are established prior to the entrance into the country and if it is compatible with their personal status.

Section 1: Overview and mapping of types national protection statuses

Q1. Aside from the EU-harmonised protection statuses, are there any other protection statuses currently available in your Member States? **Yes**

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

According to the Law on asylum and refugees, the Republic of Bulgaria provides the following types of protection: asylum, international protection and temporary protection.

1. Asylum is granted by the President of the Republic of Bulgaria according to the provisions of the Constitution of the Republic of Bulgaria. Asylum is the protection that is granted to foreigners who are persecuted for their views or activity undertaken in order to protect internationally recognized rights or freedoms as well as in cases when state's interests or special circumstances require that.

2. Temporary protection is granted by the Council of Ministers of the Republic of Bulgaria with a decision of the Council of the EU in case of an event of massive influx of foreigners into country who are forced to leave their country of origin because of an armed conflict, civil war, foreign aggression, violation of human rights or large-scale violence in the territory of the respective country or in its particular region and cannot return there due to the same reasons. The validity term of the temporary protection is determined with a decision of the Council of the EU. Terms and conditions for granting temporary protection as well as the rights of its beneficiaries are stipulated in LAR, in which the Temporary Protection Directive 2001/55/EC was transposed.

3. The international protection consists of a refugee status and a humanitarian status (according to

¹ Changes in LFRB, promulgated in State Gazette No. 34 from 23.04.2019 and in force since 24.10.2019

LAR the legal term "subsidiary protection" as defined in Qualification Directive 2011/95/EU is called "humanitarian status").

The international protection is granted on the basis of the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, LAR and other international acts related to the protection of the human rights.

Refugee status is granted to a foreigner who has a well-founded fear of persecution due to his race, religion, nationality, political view or membership to a particular social group, is outside of his/her country of origin and for these reasons is unable or unwilling to avail of the protection of this country or to return there. For the purpose of granting asylum, it shall not matter if the foreigner belongs to such race, religion, nationality and if he or she expresses such political view or professes such political belief which is at the core of his persecution. It shall be sufficient that the persecuting authority or the organization considers that the foreigner belongs thereto.

The legal base of the Republic of Bulgaria sets wider range of eligibility criteria than the minimal requirements of the Qualification Directive 2011/95/EU. For example, a refugee status is also granted to a foreigner who finds himself/herself in territory of Bulgaria and who has been recognized as a refugee under the mandate of the United Nations High Commissioner for Refugees (art. 10 of LAR).

It is also valid for the humanitarian status which can be granted for other reasons of humanitarian nature as well as on the grounds listed in the Conclusions of the Executive Committee of the United Nations High Commissioner for Refugees (art. 9 (8) of LAR). The remaining eligibility criteria for a foreigner who wishes to be granted a humanitarian status coincides with the institute of the subsidiary protection stipulated in art. 15 of the Qualification Directive 2011/95/EU. Humanitarian status is granted to a foreigner who is not eligible for refugee protection and who cannot or does not wish to be granted protection by his country of origin because he or she can be exposed to a real risk of serious encroachments, such as :

1. death penalty or execution, or
2. torture, inhuman or humiliating attitude or punishment, or
3. serious threats to their life or personality as civilians due to indiscriminate violence in case of internal or international armed conflict.

A refugee or humanitarian status is also granted to family members of a person with refugee or humanitarian status as long as the family relations are established prior to the entrance into the country and if it is compatible with their personal status and there are no circumstances according to art. 12 (1) of LAR².

If a foreigner who has been granted refugee or humanitarian status marries another foreigner, the latter may be granted refugee or humanitarian status only on the basis of his / her merits.

Foreigners granted protection are entitled to the following types of documents:

- Card of a foreigner with refugee status – issued to a person who have been granted refugee status with a term of validity of 3 years up to 5 years.
- Certificate for travelling abroad of a foreigner with refugee status- issued to a person who have been granted refugee status with a term of validity of up to 5 years, however it cannot exceed the term of validity of the foreigner`s refugee card.

² Art. 12. (1) LAR "Refugee status shall not be granted to an alien for whom:

1. there are serious grounds to assume that he/she has committed an act defined as a war crime or crime against peace and humanity under the Bulgarian legislation and under the international treaties to which the Republic of Bulgaria is a signatory;
2. there are serious grounds to assume that he/she has committed a serious non-political crime outside the territory of the Republic of Bulgaria;
3. there are serious grounds to assume that he/she commits or incites towards acts contrary to the goals and principles of the United Nations Organization;
4. who benefits from the protection or assistance provided by bodies or organizations of the United Nations other than the United Nations High Commissioner for Refugees; where such protection or assistance has not been suspended and his/her status has not been established under a relevant resolution of the United Nations Organization, such individual can avail himself/herself of the benefits from the Geneva Convention regarding the Status of Refugees of 1951;
5. with respect to whom the competent authorities of his/her state of permanent residence have recognized the rights and obligations resulting from the citizenship in that country.
6. with respect to whom there is serious proof for regarding him or her as a danger to national security;
7. who, having been convicted by an enforceable sentence of a serious crime, constitutes a danger to the community."

- Card of a foreigner with humanitarian status - issued to a person who have been granted humanitarian status with a term of validity of up to 3 years

- Certificate for travelling abroad of a foreigner with humanitarian status - issued to a person who have been granted humanitarian status with a term of validity of up to 3 years, however it cannot exceed the term of validity of the foreigner's humanitarian card.

In accordance with the specifications that served as a basis for this study the following protection statuses in Bulgaria were identified as **EU-harmonised protection statuses - refugee status, humanitarian status and temporary protection**, which are in compliance with the requirements of the Qualification Directive 2011/95/EU и Temporary Protection Directive 2001/55/EC.

At the end of 2018, the **constitutional asylum granted by the President of the Republic of Bulgaria is the only national protection status** which is not harmonised with the EU legislation.

In accordance with art. 27 (2) of the Constitution of the Republic of Bulgaria (promulgated in SG No. 56/13.07.1991, last amended in SG No. 12/06.02.2007), the asylum is the protection that the Republic of Bulgaria grants to foreigners who are persecuted for their views or activity undertaken in order to protect internationally recognized rights or freedoms. Asylum can also be granted when state's interests or special circumstances require that (art. 2 (1) of LAR).

According to art. 98 point 10 of the Constitution granting asylum is in the powers of the President of the Republic of Bulgaria. It is also foreseen in the Constitution that the President shall assign to the Vice President some of his powers such as appointing and removing from office state officials, granting, restoring, reliving from or revoking Bulgarian citizenship, **granting asylum** and exercising the right of pardon. With decree No 23 from 23.01.2017 the President assigned these powers to the Vice President.

The Asylum Committee is a supportive body of the Vice President of the Republic of Bulgaria. It has advisory functions and shall prepare a motivated proposal on each asylum application submitted to the Administration of the President. In its work, the Asylum committee abides by the Constitution, international agreements, primary and secondary law of the EU and the laws in the Republic of Bulgaria and it observes the approved international standards on protection of the human rights.

The Committee shall prepare and introduce to the President, respectively the Vice President, proposals for revoking asylum, if the circumstances regarding its granting have changed or no longer exist. It collects all information necessary for clarifying facts and circumstances on the applications for granting asylum

Terms and conditions for granting asylum are regulated by LAR. According to art. 58 (1) of LAR, a foreigner who wishes to be granted asylum shall submit a written application to the President. When the application is submitted before other state authority, the latter must forward it to the President. The application shall be registered at the Administration of the President. The request for protection shall be made in person and based on the foreigner's own free will.

Upon request of the President, the State Agency for Refugees shall inquire and clarify all facts and circumstance relevant to procedure for granting asylum and shall provide assistance to him. Chairman of the State Agency for refugees shall give opinion on submitted asylum applications upon request of the President. The President may grant asylum even if the above mentioned conditions are not fulfilled.

According to art. 13 (2) point 5 of LAR no proceeding for granting international protection shall be initiated and any initiated proceeding shall be terminated, when the foreigner has a proceeding started due to his/her application for granting asylum or has been granted asylum.

The President of the Republic of Bulgaria may revoke asylum, if s/he deems that the circumstances for its granting have changed or no longer exist.

Foreigners, who are seeking or have been granted asylum shall be issued the following types of documents:

- Registration card – issued by the State Agency for Refugees with a term of validity of 3 months. It can be prolonged with the original term of validity till the procedure is over;

- Card of a foreigner with granted asylum – issued by the Ministry of Interior with a term of validity of up to 5 years;

- Certificate for travelling abroad of a foreigner with granted asylum – issued by the Ministry of Interior with a term of validity of up to 5 years, however it cannot exceed the term of validity of the foreigner's asylum card. It gives its holder the right to enter and exit Bulgaria within the duration of its validity and according to the same terms and conditions that apply to Bulgarian nationals as long as

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the country of his/her destination does not have any other requirements.

According to art. 31 of LAR, foreigners who have been granted asylum in the Republic of Bulgaria have equal rights and obligations with the ones who have been granted refugee status (for more detailed information please see Section 2). Both foreigners with granted asylum or refugee status have also equal rights and obligations with the Bulgarian nationals except for: the right to participate in general and local elections, in national and regional referendums as well as to participate in the establishment of a political party and to be a member of such party, holding position for which Bulgarian citizenship is required by law, to be a member of the military forces and other restriction explicitly laid down by law.

The family members of a foreigner who have been granted asylum or international protection who are in the territory of Bulgaria, have the same rights and obligations unless it is incompatible with their personal status and if there are no circumstances according to art. 12 (1) of LAR.

Coercive Administrative Measures (CAM) "revocation of residence", "return", "expulsion" and "entry ban" are not enforceable until the asylum procedure is over and until its decision enters into legal force and they are withdrawn if asylum has been granted. A foreigner who has entered Bulgaria to seek protection or who has been granted protection cannot be returned to a country where his/her life or freedom is endangered due to his/her race, religion, nationality, political view or membership to a particular social group or if s/he is put in danger of torture or other form of cruel, inhumane or humiliating treatment or punishment. Also, s/he cannot benefit from these rights, if there are grounds to consider him/her as a threat to national security or public order or if s/he has once been convicted to a serious crime and the sentence has entered into legal force.

Q2. If no to Q1, please elaborate.

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

Not applicable

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

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

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

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

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

Type of non-harmonised protection status	Yes	No	Comments
Constitutional asylum			
Please note section 3 in the template for background; if the status provided falls under an 'EU protection status' please note that that in your answer in the 'comments' column.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Collective protection			
Please note section 3; if the status provided falls under an 'EU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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<i>protection status' (e.g. the Temporary Protection Directive) please note that that in your answer in the 'comments' column.</i>			
Other national (including humanitarian) statuses based on:			
Medical reasons <i>See section 3 of the introduction in the study's template</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Statuses available for climate change reasons and natural disasters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Statuses available for local personnel of armed forces of respective Member States (e.g. interpreters in Afghanistan or Iraq)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Special statuses available for unaccompanied/aged-out minors <i>* Please note the recent EMN study on UAM and summarise where relevant</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	In 2018 legislative changes for regulating the statue of the UAMs, who do not seek protection, were foreseen in the Law on Foreigners in the Republic of Bulgaria (LFRB). These changes aim to create a legal possibility of granting a prolonged residence permit to this particular group of UAMs (until become of age). For more details please see the reply to Q10
Special statuses available for children <i>* Please include only if status is different from the protection-related status provided to adults/unaccompanied minors for the above-listed reasons</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other (national protection) grounds <i>Please specify and add as many rows as necessary.</i> <i>Please note that study covers only national statuses granted to persons based on protection grounds – which could be applicable to persons that cannot be returned on the principle of non-refoulement. However, <u>legal statuses granted due to practical challenges to remove a third-country national fall outside the scope of the study</u> (see Section 3 in the introduction).</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

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

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

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

Section 2: Rationale, procedure and content of protection of national protection statuses

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

Please refer to the relevant law or policy throughout.

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

Table 3 : Rationale for national protection status and determination procedure

Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Constitutional asylum	
Status A [refer to the full name used in national legislation] Asylum	
Background	
Why was the status adopted? <i>* please briefly brief outline of the policy background that led to the adoption of this status</i>	The right of asylum can be traced back in the constitutional development of the Republic of Bulgaria. Inside the first Constitution of the Republic of Bulgaria which was officially adopted on 16.04.1879, the right of freedom and protection of each and every human being was determined as a core/universal human right. For the first time the right of asylum is formulated in the 1971 Constitution which was

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Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Constitutional asylum	
Status A [refer to the full name used in national legislation] Asylum	
	<p>adopted on 18.05.1971. Outside the provisions of the 1971 Constitution, the national legal base regarding the asylum was originally stipulated not in a legal act but in the existing decrees at that time³.</p> <p>At present the right of asylum is stipulated in art. 27 (2) of the Constitution of the Republic of Bulgaria, adopted on 13.07.1991.</p>
In what year was this status established?	<p>The status existed before 1993 when Bulgaria became a party to the Convention relating to the Status of Refugees.</p> <p>The Constitution of the Republic of Bulgaria was adopted in July 1991 that is two years prior to the accession of Bulgaria to the Geneva Convention.</p>
<p>Is this status established on:</p> <p>a) A permanent basis?</p> <p>b) A temporary (or ad-hoc) basis?</p> <p>If it is temporary/ad-hoc, when did/will it cease operation?</p>	A permanent basis.
Legal basis	
<p>Is the <i>status</i> set out in:</p> <p>a) Legislation?</p> <p>b) Administrative decision/regulation/circular?</p> <p>c) Other (e.g. case law, public policy guidance surrounding the application of any provision in practice)? Please elaborate</p>	The Constitution of the Republic of Bulgaria and the Law of Asylum and Refugees.
Eligibility	
Who is eligible to receive this status?	<p>Foreigners who are persecuted for their views or activity undertaken in order to protect internationally recognized rights or freedoms.</p> <p>Asylum can also be granted when state's interests or special circumstances require that.</p>
Determination procedure	
<p>Is an application procedure set out in:</p> <p>a) Legislation?</p> <p>b) Administrative decision/regulation/circular?</p> <p>c) Other (e.g. case law)?</p>	<p>According to art. 27 (3) of the Constitution, conditions and procedure shall be established by law. In this case it is regulated by the Law of Asylum and Refugees.</p>

³ Decree No 520 for the right of asylum (promulgated in SG No 21/14.03.1975, abolished in SG No 27/31.03.1994)

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Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Constitutional asylum	
Status A [refer to the full name used in national legislation] Asylum	
<p>When is application for the national protection status possible:</p> <p>a) Immediately, as part of a single procedure examining the need for international protection?</p> <p>b) Immediately, as part of a separate procedure?</p> <p>c) After exhausting the asylum procedure in-country?</p> <p>d) Other (please explain).</p>	<p>According to art. 13 (2) point 5 of LAR no proceeding for granting international protection shall be initiated and any initiated proceeding shall be terminated, when the foreigner has a proceeding started due to his/her application for granting asylum or has been granted asylum.</p>
<p>Where does the application take place:</p> <p>a) In the territory of your State?</p> <p>b) In a third country?</p> <p>c) Both are possible.</p>	<p>In the territory of Bulgaria.</p>
<p>Briefly outline the procedure in terms of:</p> <ul style="list-style-type: none"> – Authorities involved in examining the application and, if applicable, the issuance of a permit of stay; please clarify if these are the <u>same authorities as those responsible of examining international protection applications</u>; – Existing timelines and notification of the (first instance) decision, information to the beneficiary 	<p>The international protection (refugee and humanitarian) is granted by the State Agency for Refugees within the Council of Ministers and the asylum falls within the powers of the President. With decree No 23 from 23.01.2017 the President assigned these powers to the Vice President.</p> <p>The Asylum Committee is a supportive body of the Vice President. It has advisory functions and shall prepare a motivated proposal on each application for asylum submitted to the Administration of the President of the Republic of Bulgaria.</p> <p>A foreigner who wishes to be granted asylum shall submit a written application to the President. When the application is submitted before other state authority, the latter must forward it to the President. The application shall be registered at the Administration of the President.</p> <p>Upon request of the President, the State Agency for Refugees shall inquire and clarify all facts and circumstance relevant to procedure for granting asylum and shall provide assistance to him. Chairman of the State Agency for refugees shall give opinion on submitted asylum applications upon request of the President. The President may grant asylum even if the above mentioned conditions are not fulfilled.</p> <p>According to the Constitution there is no deadline for the President/Vice President to make a decision on an asylum application.</p>
Appeal procedures	
<p>Is there an appeal in the event of a negative decision? No</p>	<p>A negative decision on granting asylum cannot be appealed according to the provisions of the Administrative Procedure Code.</p>

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Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Constitutional asylum	
Status A [refer to the full name used in national legislation] Asylum	
If yes, is it a two-level system of appeal or one level?	Not applicable
If yes, is it: <ul style="list-style-type: none"> - An administrative appeal? - A judicial appeal? - Judicial review? - Other? (please explain) 	Not applicable
Does the appeal have an automatic suspensive effect? <u>If no</u> , can it be requested and what is the procedure in this case?	Not applicable
Are the authorities involved <u>the same as those in appeal procedures against a negative decision in the <i>international protection procedure</i></u> ?	Not applicable
If the decision on the appeal is negative, will it result in a return decision being issued?	Not applicable
If there is no possibility for appeal, please explain what happens.	Please see the answer of the next question
Change of status	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: <ul style="list-style-type: none"> a. International protection status? (please specify which) b. Other legal migration statuses? (please specify which) 	If an applicant for asylum receives a negative decision on his/her asylum application, s/he can apply for international protection or residence permit and as long as s/he is eligible, international protection or a residence permit can be granted, respectively according to the provisions of LAR or LFRB. If there are no legal grounds for granting international protection or legal stay, s/he will be issued a return decision. If there are return decisions that are issued before the date of the asylum application, they will be executed.
Relevant case law	
Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? If so, please briefly provide references to case law and briefly describe the changes brought about by this case law. <i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the</i>	Not applicable

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Type of category the national protection status belongs to (as mentioned in Table 1 or Table 2):	
Constitutional asylum	
Status A [refer to the full name used in national legislation] Asylum	
<i>case (if possible)</i>	

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

Table 4: Content of protection of national statuses

Status [A] Constitutional Asylum <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Residence permit				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	"A card of a foreigner with granted asylum" is issued
Validity of the first residence permit (or initial length) (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5 years
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Validity of the residence permit after renewal? (in years)	-	-	-	5 years
Time period required to be entitled to permanent residence permit (in years)	-	-	-	A foreigner who has been granted asylum can be issued a long-term residence permit in accordance to the provisions of Directive 2003/109/EC
Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Travel document				
Is a travel document issued ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If so, what type of document is it?	-	-	-	"Certificate for travelling abroad of a foreigner with granted asylum" is issued by the Ministry of Interior. It gives its holder the right to enter and exit Bulgaria within the duration of its validity and according to the same terms and conditions that apply to the Bulgarian nationals as long as the country of his/her destination does not have any other requirements.
Validity (in years)	-	-	-	Up to 5 years but cannot exceed the term of validity of the card of a foreigner with granted asylum.
Accommodation				
Access to accommodation (on the same basis as other legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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Status [A] Constitutional Asylum <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Access to specific schemes/programmes to support access to accommodation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Foreigners who have been granted asylum may participate in programs and projects with integration measures in compliance with their terms and conditions.</p> <p>The Ordinance on the conditions and procedures for signing, implementing and terminating the agreement on the integration of foreigners with granted asylum or international protection, provides access to a wide range of services and activities, including education, employment, Bulgarian language classes, health care, social assistance and accommodation.</p>
Dispersal mechanism?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Family reunification				
Right to family reunification ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Eligible family members, for example:				
- partner in a legal marriage or in a comparable relationship	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- unmarried partner (<i>e.g. registered partnership, cohabitation, attested long term relationship</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- underage partner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- minor child (beneficiary's and/or partner's; foster or adopted child)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- adult dependent children (beneficiary's and/or partner's or adopted child)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- brother or sisters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- dependent parents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- parents of UAMs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example:				
- accommodation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- health insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- sufficient income/financial means	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- other (e.g. criminal record, medical certificate)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Comparative overview of national protection statuses in the EU

Status [A] Constitutional Asylum <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Is there an equivalent of a 'grace period' during which no material conditions are required? If so, please indicate the duration of the grace period in the comments column.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	Up to 5 years
Labour market and qualifications				
Specific conditions to be granted access (e.g. hold work permit)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the Employment Promotion act of the Republic of Bulgaria ⁴ no special work permit is required.
Access to procedures for recognition of qualifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The terms and conditions are regulated by the Recognition of Professional Qualification act ⁵ .
Social assistance				
Social assistance limited to core benefits ? <i>*please note definition of 'core benefits' in the introduction</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Foreigners who have been granted asylum have access to social support and social aid in money and/or natural resources to satisfy main life needs on equal terms with the Bulgarian nationals ⁶ .
Health care				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Access to mainstream services ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All foreigners who have been granted asylum are obliged to a compulsory insurance provided by the National Health Insurance Fund ⁷ .
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Education				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	State Agency for Refugees within the Council of Ministers organizes Bulgarian language classes for the beneficiaries of asylum and international protection.

⁴ Employment Promotion act of the Republic of Bulgaria (promulgated in SG No 112/2001, last amended in SG No 102/29.12.2015)

⁵ Recognition of Professional Qualification act (promulgated in SG No 13/2008, last amended in SG No 59/29.07.2016)

⁶ Social Assistance act (promulgated in SG No 56/1998, last amended in SG No 24/22.03.2019)

⁷ Health Insurance act (promulgated in SG No 70/1998, last amended in SG No 102/11.12.2018)

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Status [A] Constitutional Asylum <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Integration				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Foreigners who have been granted asylum or international protection shall be offered to sign an integration agreement regulating their rights and obligations as well as the rights and the obligations of the relevant state and municipal authorities (art. 37a of LAR).</p> <p>The conditions and procedures for signing, implementing and terminating of the agreement are determined by an Ordinance of the Council of Ministers⁸.</p>
If so, how long is the support granted for?	-	-	-	1 year with a possibility to be prolonged with a year (1+1)
End of protection				
Are there any <i>formal</i> ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
How can national protection end?				
- The person no longer qualifies for protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Protection was fraudulently acquired	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
- Status ceased	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Status can no longer be renewed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
- Other (please explain)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Naturalisation/citizenship acquisition				
Minimum legal residence required to apply for citizenship/naturalisation <i>*please note that a 2019 EMN study will research in more depth the issue of acquisition of citizenship in Member States</i>				Foreigner who has been granted asylum can acquire Bulgarian citizenship after at least 3 years have elapsed since the status was granted and if he or she is eligible according to the provisions of the Bulgarian citizenship act ⁹ .

⁸ Ordinance on the conditions and procedures for signing, implementing and terminating the agreement on the integration of foreigners with granted asylum or international protection adopted with Decree No 144 / 19.07.2017 of the Council of Ministers

⁹ Bulgarian citizenship act (promulgated in SG No 36/1998, last amended in SG No 77/18.09.2018)

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Status [A] Constitutional Asylum <i>Please insert name as used in Table 3</i>	Yes	No	Other	Details
Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)				
Please describe the extent to which the status offers				
a) <i>more</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) <i>same or</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c) <i>less favourable conditions compared to either refugee or subsidiary protection?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Despite of the fact that foreigners who have been granted asylum have equal rights with refugees, there is a difference between the procedures of the two types of protection, in particular the terms and conditions in the asylum procedure are less favorable:</p> <ol style="list-style-type: none"> 1. The asylum procedure is not an administrative one and in this regard there is no deadline for the President/Vice President to make a decision on the asylum application. Also, according to the Constitution the President is not obliged to answer all asylum application addressed to him. 2. A negative decision on an asylum application cannot be appealed.
Relevant case law				
<p>Is there any relevant case law (by the highest instance courts and final judgements) that led to <i>systemic</i> changes in the procedure (and/or with major policy implications) concerning this national protection status? Not applicable</p> <p>If so, please briefly provide references to case law and briefly describe the changes brought about by this case law.</p> <p><i>In the references to the case law please include: the court name, date of decision, title/parties if applicable, case number (or citation, document symbol), link to the full version of the case (if possible)</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The asylum decrees and the negative decisions on asylum applications cannot be appealed, so there is no case law in the field.</p>

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

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

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

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

The Asylum status is not a subject of political, academic or public debate in Bulgaria. So far, the President granted asylum only once (in April 2013) and it did not trigger any public or political

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discussions.

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

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

No challenges in the practical implementation of the constitutional asylum as a national protection status have been identified.

Q9. Did your (Member) State adopt any **measures to tackle the above-mentioned challenges**?

If so, please elaborate.

Not applicable

Q10. Is your Member State planning to introduce any **new protection statuses** that have been announced publicly (i.e. in the form of official strategy documents, existing draft legislation or proposal)?

Yes

If so, when and why?

In 2018 Bulgaria made changes to its national legislation in order to regulate the residence status of UAMs (foreigners) who do not seek protection in the country.

The changes in LFRB were recently promulgated in SG No 34/23.04.2019 and will enter into legal force on 24.10.2019.

The new legislative text foreseen issuance of a prolonged residence permit to (until they turn 18 years old):

- UAMs (foreigners) and
- foreigners under 18 years old who have been accompanied when they entered Bulgaria but they have been abandoned afterwards,

in case they have not applied for protection in accordance with the provisions of LAR or they have received a negative decision on their applications and it has entered in to force.

When they turn 18 years old, they can be granted prolonged residence permit on grounds of humanitarian nature.

After considering child`s best interest, the "Social Support" directorate within the Ministry of Labour and Social Policy determines and executes special protection measures against the UAMs (foreigners) in compliance with the provisions of Law on Child Protection, and State Agency for Child Protection coordinates, observe and control the execution of these protection measures regarding the respect of his/her rights until the situation of his residence in Bulgaria is resolved but not after s/he has turned 18 years old.

The Migration Directorate within the Ministry of Interior grants prolonged residence to foreigners after consideration and evaluation of the possibility of returning them to a family member, to a legal guardian or to a suitable foster care center in their country of origin, third country which is ready to accept them, or in a country that is obliged to take them according to a readmission agreement with the Republic of Bulgaria, on condition that their life and freedom are not in danger and they are not put in danger of persecution, torture, inhuman or humiliating attitude.

The Migration Directorate issues a refusal for granting prolonged residence to UAMs (foreigners) when it is established that they can be returned. The negative decision can be appealed in accordance with the provisions of the Administrative Procedure Code.

Family reunification is not allowed on the basis of these grounds.

Q11. Is your Member State planning to **terminate or significantly change** any of the protection statuses currently available?

No

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

If so, how, when and why?

At the time of the 2010 EMN study the Republic of Bulgaria indicated as non-EU harmonised protection statuses:

1. Asylum which is granted by the President (subject of research of the current study) and
2. Prolonged residence permit granted to victims of trafficking in human beings.

In the current study no additional information about the second type of non-EU harmonised protection status is provided because according to the specifications the legal residence granted to the victims of trafficking in human beings is out of the scope of the study.

The issuance of a prolonged residence permit to these individuals is still covered by Bulgarian legislation.

Section 4 Conclusions [max 2 pages]

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

The Constitutional asylum granted by the President of the Republic of Bulgaria is the only national protection status till the end of 2018. The right to asylum was established back in 1991 with the adoption of the Constitution, which is two years prior to the accession of Bulgaria to the Geneva Convention.

Asylum was granted to a single foreigner (the first decree was issued in April 2013). For security reasons the Administration of the President did not circulate any additional information about his/her profile. Subsequently, the asylum was revoked in 2015 on the basis of art. 18 of LAR¹⁰.

The foreigners who have been granted asylum receive broad range of rights, the same as the ones given to the refugees. Both foreigners with granted asylum or refugee status have also equal rights and obligations with the Bulgarian nationals except for: the right to participate in general and local elections, in national and regional referendums as well as to participate in the establishment of a political party and to be a member of such party, holding position for which Bulgarian citizenship is required by law, to be a member of the military forces and other restriction explicitly laid down by law.

Foreigners with asylum protection have the right to accommodation, health care, social assistance and education in compliance with the same terms and conditions that apply to the Bulgarian nationals. Also, they can sign integration agreements, reunite with their family and acquire Bulgarian citizenship in three years after being granted asylum.

Despite the above said, statistical data published on the web page of the Asylum Committee¹¹ shows that only a few asylum applications were submitted to the President (the average number of submitted application per year is 20). The main parts of the foreigners who seek protection in Bulgaria apply for international protection before State Agency for Refugees within the Council of Ministers¹². The reasons for that can be found in differences between the procedures of the two types of protection, in

¹⁰ Art. 18 LAR "The President of the Republic of Bulgaria may revoke asylum, if he/she deems that the circumstances for its granting have changed or no longer exist"

¹¹ <https://president.bg/bg/cat23/Komisia-po-predostaviane-na-ubejishte/>

¹² https://aref/government.bg/sites/default/files/up/uploads/docs/2019-04/Applications-Decisions-1993-2019%20bulg_03.xlsx

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particular the terms and conditions in the asylum procedure are less favorable.

While LAR provides clear rules about the procedure for granting refugee status as well as it indicates eligibility criteria, deadlines for considering the applications, the possibilities for appealing in case of a negative decision and so on, the Constitution does not oblige the President to answer an asylum application, does not foresee a deadline for his decision on these applications and a possibility of appealing it in a negative case.

As a consequence of the complicated migration situation, Bulgaria has established large numbers of UAMs who do not seek protection in the country. In 2018 Bulgaria made changes to LFRB in order to regulate the legal representations of these UAMs and to set responsibilities and obligations of the national institutions involved in the process.

As a follow up, in the second half of 2018, Bulgaria drew up additional changes in LFRB which envisage a possibility of issuing a prolonged residence permit to UAMs (foreigners) who do not seek protection in the country. The status is going to be granted until they turn 18 years old. Afterwards they will be able to apply for prolonged residence permit on humanitarian grounds.

These changes were officially adopted in April 2019 and will enter into legal force on 24.10.2019.

Bulgaria is about to gain experience and best practices in the field.

Annex 1 National statistics

Please note the scope of national statistics:

- Temporal scope 2010–2018 to capture changes from previous study.
- Ask Member States and Norway for total number of national protection statuses granted where available.
- Ask Member States and Norway for the above data to be disaggregated by individual status where available.
- The data will be disaggregated by year and country of origin, sex and age if available, but these will not be cross tabulated.

These data will not be comparable.

Please complete the following tables with available information:

Table A1.1: Number of persons granted national protection status by nationality (2010-2018).



A1.1_nationality
and total.xlsx

Table A1.2: Number of persons granted national protection status by age (2010-2018).



A1.2_age.xlsx

Table A1.3: Number of persons granted national protection status by gender (2010-2018).



A1.3_gender.xlsx

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

All Member States implemented the provisions of the recast Qualification Directive, with the exception of Ireland and the UK,¹³ and of the Temporary Protection Directive. Norway, a State not participating to these Directives, has adopted in its national legislation equivalent protection statuses.

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

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

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

Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
Residence permit	Article 24 recast QD	Article 24 recast QD	Articles 4 and 8 TPD
<i>Issuance of a residence permit required?</i>	Yes As soon as possible after refugee protection status has been granted	Yes As soon as possible after subsidiary protection status has been granted	Yes
<i>Validity of the first residence permit (or initial length) (in years)</i>	Minimum 3 years	Minimum 1 year	Minimum 1 year
<i>Possibilities of renewal/extension?</i>	Yes	Yes (at least 2 years)	Yes (up to maximum 2 additional years)
<i>Time period required to be entitled to permanent residence permit (in years)</i>	No harmonisation	No harmonisation	No harmonisation
<i>Does this time period differ from the general rule for applying for permanent residence permit?</i>	No harmonisation	No harmonisation	No harmonisation
Travel document	Article 25(1) QD	Article 25(2) QD	No harmonisation
<i>Is a travel document issued ?</i>	Yes	Yes	-
<i>If so, what type of document is it ? (e.g. Geneva travel document or a national travel document)</i>	Travel documents in the form set out in the Schedule to the Geneva Convention	If unable to obtain a national passport should be issued with documents which enable to travel	-

¹³ Ireland participated in Directive 2004/83/EC but is not bound by the recast Directive 2011/95/EU. The UK participated in Directive 2004/83/EC and is not bound by the recast Directive 2011/95/EU.

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Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>Validity (in years)</i>	No harmonisation	No harmonisation	-
Accommodation	Article 32 recast QD	Article 32 recast QD	Article 13 TPD
<i>Access to accommodation (as other legally residing third-country nationals) ?</i>	Yes	Yes	Yes (but only access to 'suitable accommodation' or provide 'means to obtain housing')
<i>Access to specific schemes/programmes to support access to accommodation?</i>	No harmonisation	No harmonisation	-
<i>Dispersal mechanism?¹⁴</i>	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	Allowed on condition of non-discrimination of beneficiaries of international protection (Article 32(2) QD)	No harmonisation
Family unity & reunification	Articles 2 and 23 recast QD	Articles 2 and 23 recast QD	Article 15 TPD
<i>Right to family reunification?</i>	Yes Obligation of MS to maintain family unity ¹⁵	Yes Same as for refugees	Yes
<i>Eligible family members</i>	Family ties should have already existed in the country of origin Spouse; unmarried partner in a stable relationship; minor unmarried children; father, mother or another adult responsible for the refugee Possibility to restrict family reunification with close relatives on the condition that family ties have already existed in the country of origin and who were dependant on the sponsor	Same as for refugees	Family ties should have already existed in the country of origin Spouse, unmarried partner in a stable relationship, minor unmarried children of the sponsor or of the spouse, other close relatives who lived together as part of the family unit and who were dependent on the sponsor
<i>Material requirements sponsor must guarantee</i>	Articles 6-9 Family Reunification Directive: Accommodation, health insurance and/or sufficient financial resources	Excluded from the scope of the FRD	No harmonisation

¹⁴ In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

¹⁵ According to the recast QD (Article 13(2)), family unity involves ensuring that family members who do not qualify for international protection status nevertheless have access to the same rights as the family member with refugee or subsidiary protection status.

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Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
'Grace period' <i>If so, please indicate the duration of the grace period</i>	Article 12 Family Reunification Directive: Exemption to from the obligation to meet the material requirements for a minimum period of three months after the granting of refugee status	Excluded from the scope of the FRD	No
<i>What is the validity of the residence permit of the family member?</i>	It may be valid for less than 3 years and renewable (Article 24(1) recast QD)	It may be valid for less than 3 years and renewable (Article 24(1) recast QD)	For the duration of the temporary protection of the sponsor (Article 15(6) TPD)
Labour market and qualifications	Articles 26 and 28 recast QD	Articles 26 and 28 recast QD	Article 12 TPD
<i>Specific conditions to be granted access (e.g. hold work permit)?</i>	Yes, possible (Article 26(1): access can be subject to rules generally applicable to the profession and to the public service)	Yes, possible (as for refugees)	Yes Member States may give priority to EU and EEA citizens, and to legally resident third-country nationals receiving unemployment benefit
<i>Access to procedures for recognition of qualifications?</i>	Yes (equal treatment with nationals)	Yes (as for refugees)	No harmonisation
Social assistance	Article 29(1) recast QD	Article 29(2) recast QD	Article 13 TPD
<i>Social assistance limited to core benefits ?</i>	No	Yes	Yes ('necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources')
Health care	Article 30 recast QD	Article 30 recast QD	Article 13 TPD
<i>Access to emergency health care?</i>	No harmonisation	No harmonisation	Yes ('emergency care and essential treatment of illness')
<i>Access to mainstream services ?</i>	Yes	Yes	No
<i>Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?</i>	Yes	Yes	Yes
Education	Article 27 recast QD	Article 27 recast QD	Article 14 TPD
<i>Access to general system of education (same</i>	Yes	Yes	Yes

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Content of protection	Refugee Protection	Subsidiary Protection	Temporary protection
<i>as nationals)?</i>			
<i>Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?</i>	No harmonisation	No harmonisation	No harmonisation
Integration	Article 34 recast QD	Article 34 recast QD	No harmonisation
<i>Access to 'mainstream' support (available for legally residing third-country nationals)?</i>	Yes Access to integration programmes which are considered to be appropriate so as to take into account the specific needs of beneficiaries of international protection or create pre-conditions which guarantee access to such programmes	Yes Same as refugees	-
<i>Access to targeted support (i.e. specifically for beneficiaries of the status)?</i>	Yes	Yes	-
<i>If so, how long is the support granted for?</i>	No harmonisation		-
Ending or refusal to renew protection	Articles 11, 12 and 14 recast QD	Articles 16, 17 and 19 recast QD	Article 6 TPD
<i>Are grounds to end or refusal to renew protection formally foreseen?</i>	Yes	Yes	Yes
Change of status			Articles 3 and 17 TPD
<i>Possibility to lodge an application for another protection status?</i>	Yes, to subsidiary protection ¹⁶	Yes	Beneficiaries of TP can lodge an application for asylum at any point in time.

¹⁶ See CJEU, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, *Aydin Salahadin Abdulla, Kamil Hasan, Ahmed Adem, Hamrin Mosa Rashi & Dier Jamal v Bundesrepublik Deutschland*, 2 March 2010, ECLI:EU:C:2010:105, para 76.