



**Ad-hoc query on implementing tolerated-stay**

**Requested by EE EMN NCP on 8<sup>th</sup> April 2014**

**Compilation produced on 3<sup>rd</sup> July 2014**

**Responses requested from Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom (22 in Total)**

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**1. Background Information**

The Police and Border Guard Board of Estonia is looking for information on the current migration and return policy in the European Union Member States. Estonia is working on new redaction of Aliens Act and looking for new solutions with reference to aliens who are staying in the country without legal basis for stay and whose return is postponed or no longer possible. In this respect we would like to know how European Union Member States handle problems with aliens who don't have the basis of stay but whose expulsion is no longer possible.



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1. Please describe how is the problem of tolerated stay (third country nationals without a legal basis for stay and whose return is no longer possible) solved in your MS?
  - a. Do you issue the TCN an official legal basis for stay? What are the grounds? Which are the criteria that the TCN has to comply with?



Please provide your responses by **17th April 2014**.

		Wider Dissemination?	
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Bulgaria</b>	<b>Yes</b>	<p>Bulgarian legislation has no specific status that corresponds to this category of TCNs.</p> <p>However, in the Law for the Foreigners in the Republic of Bulgaria a new provision was introduced in force since 1 May 2013, stating that if after 1 year after Order for non-expulsion in a given country has been issued the TCN is still on the territory of Bulgaria, than he is allowed to work without a work permit – until a way to perform the expulsion itself is found.</p> <p>According to the LFRB Art. 44a. (1) “A foreigner with imposed compulsory administrative measure of expulsion shall not be expelled to a country where his life and freedom are endangered and he is subjected to a danger of prosecution, torture or inhuman or humiliating treatment”.</p> <p>(2) (new – SG 23/13) “Where the circumstances under para 1 are established by an effective judicial decision the foreigner shall be issued and served an order by the authority that issued the expulsion order which explicitly states the prohibition of expulsion and the country in which the foreigner should not be deported. The order shall not be subject to appeal”.</p> <p>In accordance with Art. 44a. (4) (new – SG 23/13, in force from 01.05.2013) “In case a year after the order under para 2 expulsion in a third safe country has not been carried out, the foreigner shall be allowed temporary access to the labour market under the terms and conditions of the ordinance under Art. 74, para 1 of the Employment Promotion Act – until implementation of the expulsion”.</p>
	<b>Czech Republic</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Estonia</b>	<b>Yes</b>	<p>1. Estonia`s current legislation does not support documented tolerated-stay. As an exception it is possible to issue legal basis for stay to those aliens who have previously had a residence permit to settle with a spouse or with a close relative, if the person has died or marriage is revoked and the alien still has a reasonable excuse for staying (taking care of children or close relatives who is in need of assistance, or other reasons that show that alien has integrated and has close ties with country).</p> <p>Also we are working on new redaction of Aliens Act and there will be new basis for temporary stay <b>due to humanitarian considerations</b>. That basis is more flexible and it allows to give a legal basis for stay to those aliens, who don`t qualify to apply for a residence permit according to the conventional grounds specified in the Aliens Act.</p> <p>Despite of that alien should meet the general conditions for the issue of a temporary residence permit that are following:</p>




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			<p>1) the purpose for settlement in Estonia is justified;</p> <p>2) the actual place of residence is Estonia;</p> <p>3) sufficient legal income which would enable an alien and the family members of an alien the subsistence in Estonia and;</p> <p>4) insurance policy guaranteeing that any costs related to the medical treatment of an alien as a result of illness or injury will be met.</p>
	<b>Finland</b>	<b>Yes</b>	<p>1. Finland does not have a statutory regularisation procedure for third-country nationals residing in the country without authorisation. However, in a broad sense, granting legal status based on national legislation, i.e. a residence permit, to remove a person from the status of irregularity, can be seen as regularisation.</p> <p>The police authorities are responsible for removal, but they do not file a residence permit application on behalf of the person that is awaiting removal, even when several attempts of removal have failed. When the person concerned has applied for a residence permit, the Finnish Immigration Service may request a statement from the police on the measures taken to enforce the removal decision and what measures are still available. The Aliens Act of Finland does not contain provisions on abandoning efforts to enforce such measures, except in cases involving non-refoulement due to e.g. changes in the security conditions in the person's country of origin. In the majority of the cases where the removal procedure has been extended, the person concerned files a new residence permit application and is granted residence. In certain individual cases the person concerned is refused subsequent residence permit applications as well, which may result in the removal case remaining pending for several years. There is no statistical data on the number of cases of failed enforcement of deportation decisions per year.</p> <p>Removal from the country may be temporarily prevented due to a reason that is expected to only apply for a limited time. Under Section 51 of the Aliens Act, aliens residing in Finland are issued with a temporary residence permit if they cannot be returned to their home country or country of permanent residence for temporary reasons of health or if they cannot actually be removed from the country. Issuing a residence permit does not require the alien to have secure means of support. If aliens are issued with a residence permit under Paragraph 1, their family members residing abroad are not issued with a residence permit on the basis of family ties. Temporary residence permits pursuant to Section 51 of the Aliens Act are granted for a period of one year at a time. Aliens granted temporary residence permits on such grounds have a restricted right to employment under Section 80, Paragraph 1, Subparagraph 6 of the Aliens Act. Pursuant to Section 54, Paragraph 5 of the Aliens Act, aliens who have been issued with a temporary residence permit under Section 51 because he or she cannot be removed from the country are issued with a continuous residence permit after a continuous residence of two years in the country if the circumstances on the basis of which the alien was issued with the previous fixed-term permit are still valid.</p>
	<b>France</b>	<b>Yes</b>	<p>In France, third-country nationals who are subject to a removal order and are able to prove their inability to leave the territory in a short period of time or return to their country of origin/another country (i.e., due to a serious illness or the risks in case of return) can be placed under house arrest.</p> <p>The house arrest allows third-country nationals to stay temporarily in France for a period up to one year. During house arrest, third-country nationals should stay within the place determined by the prefect or the Minister of Interior (their movements are restricted to a delimited area). They should also report periodically to the police or the gendarmerie (up to a limit of one presentation per day, except in certain cases). In addition, third-country nationals may be required to surrender their passport to the authorities (and any other identity/travel documents). The authorities provide them with a temporary residence authorization which enables them to prove their identity, pending their removal.</p>




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			(See articles L. 523-3, L. 533-1, L. 541-3 and L. 561-1 of the Code on Entry and Residence of Foreigners and Right of Asylum)
	<b>Germany</b>	<b>Yes</b>	<p>For those third country nationals who are legally obliged to leave Germany, but whose stay is tolerated because they can not be removed for legal or factual reasons, the Residence Act provides several ways to change to a legal stay:</p> <p>a) issuing of a residence permit for qualified tolerated third country nationals for the purpose of employment (§ 18a Residence Act)</p> <p>b ) issuing of a residence permit on humanitarian grounds ( § 25 para.5 of the Residence Act)</p> <p>c ) granting of residence for young people and adolescents who are well integrated (§ 25a Residence Act)</p> <p>The different requirements that must be met for this purpose can be found under <a href="http://www.gesetze-im-internet.de/englisch_aufenthg/index.html">http://www.gesetze-im-internet.de/englisch_aufenthg/index.html</a>. (English text version of the German Residence Act)</p> <p>It is also intended to introduce legal provisions for the granting of residence in case of successful economic integration after several years of residence. The legislative procedure is currently being prepared.</p>
	<b>Hungary</b>	<b>Yes</b>	<p>Concerning the issue of illegally staying third-country nationals who, although would be subject to a return decision, cannot be removed from the territory of the Member State concerned either (1) for legal reasons due to the principle of non-refoulement obligations provided by international refugee treaties or (2) for practical reasons (e.g. do not have travel/identity documents, lack of co-operation of embassies representing certain countries of origin, in terms of identification of their citizens).</p> <p>Act II of 2007 on the Entry and Stay of Third-Country Nationals (entered into force on 1 July 2007, hereinafter: RRTN) applies in these cases which contains the definition of the “exile” status which is not a legal status, therefore, is not equivalent to the legal status of beneficiaries of temporary protection, they are simply referred to as ‘tolerated stay persons’. Under Paragraph f) of Article 2 of RRTN “Exile” shall mean any person who is provided temporary shelter and may not be returned to the country of his/her nationality, or in the case of a stateless person to the country of domicile, for fear of being subjected to capital punishment, torture or any other form of cruel, inhuman or degrading treatment, and there is no safe third country offering refuge, and who is not entitled to asylum or treatment as a stateless person, nor to any subsidiary form of protection or temporary protection.”</p> <p>According to the Hungarian legislation, a residence permit on humanitarian grounds is issued to the person who has been granted the status of exile by Hungary. The validity period of a residence permit granted on humanitarian grounds shall be one year that may be extended by a maximum of one year at a time and under Art 29 (3) of RRTN a residence permit on humanitarian grounds shall be withdrawn if any requirement for issue is no longer satisfied; the third-country national in question has disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence; or the withdrawal is requested by the authority or body on whose initiative it was for some other reason.</p> <p>Exiles shall be entitled to the rights afforded to persons with residence permits and to the rights granted to exiles in specific other legislation. The exile shall provide assistance for having his identity established, however, failure to establish his identity shall not justify refusal of a residence permit. EC permanent residence permits may not be issued to exiles.</p> <p>Exiles shall be provided aid and support specified under specific other legislation. Government Decree 114/2007. (V. 24.) on implementing Act II of 2007 on the Entry and Stay of Third-Country Nationals regulates the aids and supports (Articles 73-88). The Office of Immigration and Nationality (OIN) shall provide aid and support for the subsistence of exiles. Exiles shall be entitled to receive provisions under the scope of personal care, including financial provisions and financial assistance.</p> <p>Personal provisions:</p>

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			<p>a) room and board in a community hostel or the like;  b) medical services;  c) meals provided in an educational institution.</p> <p>Financial provisions:  a) one-off moving allowance  b) school aid</p> <p>Financial assistance:  a) rental support;  b) financial support for leaving the country permanently;  c) covering the costs of a pre-employment medical examination and aptitude test, and the costs of translation of documents in proof of vocational training.</p> <p>Exiles shall be required to fill in the form contained in Schedule No. VI of this Decree to declare their financial and income situation and submit it enclosed with the written request for aid and support. Requests submitted by exiles for aid and support shall be evaluated by the competent Regional Directorate of the OIN by reference to their place of accommodation.</p> <p>According to Art. 47(10) of the RRTN, in case the implementation of the return order is not enforced within 12 months of the enforceability of the expulsion for reasons not attributable to the third country national concerned, the expulsion and entry ban may be withdrawn by the law enforcement authority. In this case, the person shall be granted a residence permit on humanitarian grounds, as specified under Paragraph a) of Art 29 (2) of RRTN, the validity period of the residence permit granted on humanitarian grounds shall be one year that may be extended by maximum one year at a time, as mentioned beforehand.</p>
	<b>Italy</b>	<b>Yes</b>	<p>In Italy, the aliens who don't have the basis of stay must be expelled. However, the Italian Law specifically excluded the expulsion or assisted repatriation of the following: minors; foreigners holding a residence card; foreigners living with relatives (up to the second degree) or spouses of Italian nationality; women in pregnancy or in the six months following delivery of a child; people who could demonstrate severe health conditions barring their return to the country of origin for the duration of said condition; people who could demonstrate grave humanitarian reasons such as would make repatriation impossible or unreasonable; members of family units that included minors attending school, until the end of the school year.</p> <p>See art. 19 of Decree-law No. 286 of 25 July 1998 (<i>Consolidated Act on Immigration</i>).</p>
	<b>Latvia</b>	<b>Yes</b>	<p>Latvia's legislation does not support documented tolerated-stay. Legal status of a foreigner who is staying in the country without legal basis for stay and whose return is not possible is not definite and his residence in Latvia is not legal. In certain cases, in particular, if foreigner has continuously resided in Latvia and there is a social relationship with Latvia established and no other country has recognized him as its citizen, a possibility to grant him stateless person status according to the 1954 Convention is considered.</p>
	<b>Lithuania</b>	<b>Yes</b>	<p>1. A temporary residence permit may be issued to an alien if s(he) may not be expelled from the Republic of Lithuania or his/her expulsion from the Republic of Lithuania has been suspended due to refusal to admit by the state to which s(he) can be returned, medical condition or other objective reasons (e.g. a travel document cannot be obtained) and if these circumstances have not disappeared within one year. Upon the disappearance of the reasons, the decision to expel an alien from the Republic of Lithuania must be implemented</p>

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			immediately.
	<b>Luxembourg</b>	<b>Yes</b>	<p>1. In Luxembourg article 125bis (1) of the modified Law of 29 August 2008 on free movement of persons and immigration foresees that in the case the TCN who is able to prove his/her inability to leave the territory for reasons beyond his/her control or s/he cannot return to his/her country of origin or go to another country, the Ministry can decide to postpone his/her removal for a specific duration according to the particular circumstances until the moment there is a reasonable perspective to execute the removal. The TCN can stay provisionally in the territory without being authorised to reside. This decision can be accompanied with an order of house detention.</p> <p>Article 130 of the modified Law of 29 August 2008 foresees that if a TCN cannot be removed from the territory if s/he proves with medical certificate that his/her health condition requires appropriate healthcare and that the lack of treatment could bring exceptionally serious consequences to his/her health status and s/he also proves that s/he cannot obtain the appropriate medical treatment in the country to which s/he is going to be removed.</p> <p>According to article 131 (1) s/he can obtain a postponement of removal for a maximum duration of 6 months. This postponement can be renewed up to a duration of 2 years. This decision does not grant to the beneficiary a legal basis for stay.</p> <p>If at the end of 2 years, the TCN proves that his /her health condition persists, s/he can obtain an authorisation to stay for medical reasons for the duration of the treatment which cannot be longer than one year. At the end of this period this authorisation can be renewed after re-examining the case (article 130 (2)).</p>
	<b>Netherlands</b>	<b>Yes</b>	<p>The Netherland's current legislation supports documented tolerated-stay for the following categories of third country nationals: a legal basis for stay (a permit) is issued to those aliens who through no fault of their own are unable to return to their home country or to a country where they used to have permission to stay. The conditions are:</p> <ul style="list-style-type: none"> <li>-the alien through no fault of his own, is unable to leave The Netherlands,</li> <li>-he has tried to realise his own departure by going to the embassy or representation of his home country or country of former residence,</li> <li>-there is no doubt about the alien's nationality and identity,</li> <li>-the alien has requested assistance in requiring a laissez-passer (temporary travel document),</li> <li>-the alien has no legal stay in The Netherlands nor is he applicable for legal stay in The Netherlands.</li> </ul> <p>If an alien does not qualify for a residence permit but he is unable to leave The Netherlands for reasons of health, he may be granted suspension of departure under Section 64 of the Aliens Act.</p> <p>When the situation in a country of origin is unclear and therefore the State Secretary of Security and Justice cannot decide on the asylum applications of aliens from that country, they may be granted tolerated stay until a well considered decision can be taken.</p> <p>If an alien does not qualify for a residence permit according to the conventional grounds specified in the Aliens Act, the State Secretary of Security and Justice can use his discretionary power to grant the alien a residence permit on humanitarian grounds in extremely harrowing cases.</p>
	<b>Poland</b>	<b>Yes</b>	<p>1. A legal base for granting the national protection status "a tolerated stay status" is an Article 97 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland.</p> <p>A tolerated stay status may be granted in the situation:</p> <ul style="list-style-type: none"> <li>- when the expulsion of the foreigner might take place only to the country where his/her right to life, freedom and personal security</li> </ul>



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			<p>would be jeopardised, where he/she would become a victim of torture or inhuman or degrading treatment or punishment or where he/she would be forced to work or denied the right to fair trial or be punished without legal grounds in the light of the wording of the European Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on 4 November 1950;</p> <ul style="list-style-type: none"> <li>- when the expulsion would breach the right to family life in the wording of the European Convention for the Protection of Human Rights and Fundamental Freedoms or would constitute a breach to the rights of a child specified in the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989 to a degree seriously endangering its psychological and physical development;</li> <li>- as well as when the expulsion cannot be executed due to reasons beyond the powers of the organ taking decision on the expulsion or of the foreigner.</li> </ul> <p>This status may be also granted to a foreigner who could be expelled only to a country where the extradition is inadmissible on the basis of the court's judgement or the decision of the Minister of Justice on refusing to extradite this foreigner.</p>
	<b>Portugal</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Romania</b>	<b>Yes</b>	<p>According to the provisions of Emergency Government Ordinance 194/2002 on aliens' regime in Romania tolerated status represents the permission to stay in Romania granted by the General Inspectorate for Immigration to the aliens who don't have a valid stay right and, due to objective reasons, do not leave the Romanian territory. Tolerated status is materialized in a tolerated document.</p> <p>Aliens may be tolerated in the following situations:</p> <ul style="list-style-type: none"> <li>- in cases when their leaving the territory was forbidden and they do not fulfil the conditions to be granted a residence permit;</li> <li>- when the measure of public custody taken against them ceased;</li> <li>- in cases when their presence on Romanian territory is required by important public interests. In this case the tolerated status is granted upon request of public institutions or authorities;</li> <li>- when they cannot be removed from the territory and they cannot be granted or extended the stay right;</li> <li>- when there are reasons to consider they are victims of trafiking in human beings. In this case tolerated status is granted upon request of the prosecutor or court of law;</li> <li>- in cases when the measure of removal from the territory was suspended;</li> <li>- when forced/escorted return cannot be executed in 24 hours and they are not taken into public custody;</li> <li>- in cases when the General Inspectorate for Immigration ascertains they are temporary in impossibility of leaving Romania due to other objective reasons.</li> </ul> <p>Tolerated status is granted for a period of maximum 6 months that can be extended for new periods of 6 months up to the cessation of the toleration reasons.</p> <p>Toleration ceases in the following situations:</p> <ul style="list-style-type: none"> <li>- by granting or extension of the stay right, according to the law;</li> <li>- in cases when permission to remain on the territory was granted according to the law on asylum;</li> <li>- in the moment when the alien leaves Romania.</li> </ul> <p>Toleration does not annul the obligation of aliens to leave the Romanian territory when the granting reasons cease. When the toleration reasons cease they are removed from the territory, according to the law.</p> <p>During toleration period, the tolerated persons have access to labour market in the same conditions as the Romanian citizens. The right to</p>

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			<p>work ceases, by law, when the tolerated status ends.</p> <p>During toleration period, the aliens are obliged to report periodically, each 60 days or whenever they are called, to the territorial unit of the General Inspectorate for Immigration which granted the status. They are also obliged to report every change regarding the residence place. Toleration has territorial limited validity to the area of competence of the territorial unit which granted it. Any movement outside this area is allowed only upon a preliminary approval. In cases when these obligations are not fulfilled, the alien can be taken into public custody. Refusal of granting the tolerated status can be contested within 5 days from the refusal communication day to the competent Appeal Court. The court must decide within 30 days and its decision is irrevocable.</p>
	<b>Slovak Republic</b>	<b>Yes</b>	<p>According to the Act no.404/2011 on Residence of Aliens, tolerated stay is a specific type of resident permit which may be granted to a foreign national for a maximum of 180 days, if one of the following <b>conditions</b> applies:</p> <ul style="list-style-type: none"> <li>• There is an obstacle to administrative expulsion (for the obstacle to the administrative expulsion see below);</li> <li>• The foreigner's departure from the country is not possible and detention is inefficient;</li> <li>• The foreigner is a minor child found in the territory of Slovakia;</li> <li>• The foreigner is a victim of human trafficking and is at least 18 years old;</li> <li>• If it is required due to respect for his/her personal and family life and he/she does not threaten the state safety or public order;</li> <li>• The foreigner was illegally employed under particularly exploitative working conditions or to an illegally employed minor person.</li> </ul> <p>If a foreign national meets conditions for submitting an application for temporary resident permit for the purpose of family reunion or permanent resident permit for five years, the Police Department may issue tolerated stay due to the respect of his/her personal and family life only in case he/she does not hold a valid passport and proves his/her identity in another trustworthy way.</p> <p>The following is also considered as tolerated stay:</p> <ul style="list-style-type: none"> <li>• assessment of application for tolerated stay;</li> <li>• provision of institutional care;</li> <li>• prison sentence execution or period of imprisonment;</li> <li>• duration of quarantine measures;</li> <li>• a maximum of 90 days during which a third country national, who is a victim of human trafficking and at least 18 years old, decides whether he/she will cooperate with prosecuting authorities, when resolving this criminal act.</li> </ul> <p>As for the legal framework, obstacles to administrative expulsion are defined in the Act on Residence of Aliens as follows:  <b>Obstacles to Administrative Expulsion</b> (Act no.404/2011 on Residence of Aliens, Art. 81)</p> <p>(1) An alien cannot be administratively expelled into the state in which his/her life would be threatened for the reasons of his/her race, nationality, religion, membership in a particular social group or for his/her political convection, or in which s/he would be threatened by torture, cruel, inhuman or degrading treatment or punishment. Similarly, an alien cannot be administratively expelled into the state in which s/he was imposed the death penalty or it can be assumed that s/he can be imposed such a penalty in the ongoing criminal proceedings.</p> <p>(2) An alien cannot be administratively expelled into the state in which his/her freedom would be threatened for the reasons of his/her race, nationality, religion, membership in a particular social group or for his/her political convection; this shall not apply, if an alien threatens the state safety by his/her actions or if s/he was sentenced for crime and represents a threat for the Slovak Republic.</p>



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			<p>(3) A person without any citizenship can be administratively expelled only then, if s/he threatens the state safety or public order by his/her actions and the obstacles to administrative expulsion as per paragraphs 1 and 2 do not apply to him/her.</p> <p><b>Criteria</b> to be fulfilled by the third country national applying for a tolerated stay:</p> <ul style="list-style-type: none"> <li>• specific reason for which he/she applies for the permit (to present his/her travel document in case he/she possesses one, as well as any proofs demonstrating any of the reasons for granting the tolerated stay permit e. g. birth certificate of his/her child in case the tolerated stay permit is requested on the grounds of respect for family and private life, or a document demonstrating the existence of an impediment to administrative expulsion etc.</li> <li>• certificate of no criminal records (even though this conditions is not stated in the Act on Residence of Aliens)</li> </ul> <p>Applications for the residence permit of detained foreigners and asylum seekers are not accepted. Tolerated residence shall be extended if the reasons for granting the residence permit still persist. The decision on the application shall be sent up to 15 days from its submission. If the residence permit is granted, a confirmation about its granting or renewal is issued with the date of expiry.</p>
	<b>Slovenia</b>	<b>Yes</b>	<p>Permission to stay in the country shall mean permission granted to an alien who has been given a deadline by which to leave the country, or to an alien who must be deported, to remain temporarily in the Republic of Slovenia.</p> <p>2) Permission to stay in the Republic of Slovenia shall be granted if:</p> <ul style="list-style-type: none"> <li>- deportation is not applicable;</li> <li>- if TCN has no valid travel document of his/her own country;</li> <li>- if it is recommended by doctor because of his/her medical condition;</li> <li>- if alien minor goes to primary school and it is granted until the end of school year therefore,</li> <li>- if an alien is not admitted by his/her own country;</li> <li>- in case there are no possibilities for transport to his/her own country;</li> <li>- in case of circumstances e.g. natural or other disaster preventing possibility of return;</li> <li>- if legal custodian demands of unaccompanied minor demands so.</li> </ul>
	<b>Spain</b>	<b>Yes</b>	Spanish legislation does not regulate tolerated-stay.
	<b>Sweden</b>	<b>Yes</b>	<p>Sweden doesn't use documented tolerated stay. When an expulsion entered into force the aliens act chapter 12 section 22 regulates the situation.</p> <p>“A refusal-of-entry or expulsion order that has not been issued by a general court expires four years after the order became final and non-appealable. If the order has been combined with a prohibition for the alien to return to Sweden which is valid for a longer period, the refusal-of entry or expulsion order expires when the period of the prohibition on return to Sweden ends. An expulsion order issued by a general court expires when the period of the prohibition on return to Sweden ends. If a permanent residence permit is issued, a refusal-of-entry or expulsion order expires”.</p> <p>These rules were implemented in order to protect the aliens from, being under very long time under pressure for removal. After four years a new case can be issued e.g. an asylum application.</p>

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	<b>United Kingdom</b>	<b>Yes</b>	<p>We expect those who have no right to remain in the UK to leave voluntarily, and support is available through Assisted Voluntary Returns programmes for irregular migrants, including failed asylum seekers. If irregular migrants without permission to stay do not leave voluntarily we pursue enforcement action as our aim is always to remove those who have no right to remain.</p> <p>When an individual is in the UK without permission to stay, consideration is given whether to detain or provide an alternative to detention. Our policies provide a presumption of liberty. The majority of the non-detained population are required to report to Immigration Enforcement on a regular basis. We manage the reporting population with a view to oversee meaningful contact, encourage voluntary return, as well as driving compliance and progressing cases towards enforced return where appropriate.</p> <p>However, we are able to grant discretionary leave to remain in the UK where there are exceptional circumstances under Paragraph 353B of the Immigration Rules. This covers cases where there has been a significant delay in their application through no fault of the migrant and where is no realistic prospect of removal in the future.</p> <p>Our published policy setting out the circumstances in which Discretionary Leave may be granted is available on our GOV.UK website. <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257381/discretionaryleave.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257381/discretionaryleave.pdf</a></p> <p><b>Unaccompanied Minors</b></p> <p>Where there are no adequate reception arrangements in the country of return, unaccompanied children whose asylum claims have failed, are granted UASC Leave under Paragraph 352ZC to 352ZF of the Immigration Rules for a period of 30 months or until the child is 17½ years of age, whichever is shorter.</p>
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