



## Ad-Hoc Query on right of Recognised Refugees to travel in EU

Requested by CY EMN NCP on 02<sup>nd</sup> December 2013

Compilation produced on 16<sup>th</sup> January 2014

Responses from Austria, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Sweden, United Kingdom (19 in Total)

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### **1. Background Information**





This is an urgent request from Cyprus and we would appreciate your prompt response. In Cyprus, a recognized refugee is provided with a “temporary residence permit” which is renewed every three years. Our question concerns the following:

- Would Member States allow a recognised refugee who holds a “temporary residence permit” and who has in his/her possession a refugee travel document according to the Geneva Convention, to travel to their territories for the purpose of residence/employment?
- Are there any Member States which will also require from a recognized refugee to be holder of a long-residence permit?






The CY EMN NCP would very much appreciate your responses by the **27th December 2013**. However, due to the urgent nature of this request we would appreciate your response, if possible, by 09/12.

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## **2. Responses**

		<b>Wider Dissemination?</b>	
	<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>Bulgaria</b>	<b>Yes</b>	<p>According to the national legislation the Republic of Bulgaria grants four types of protection – asylum, refugee status, humanitarian status and temporary protection. The President of the State Agency for Refugees (SAR) grants two types of protection - refugee status and humanitarian status. The applications for protection are examined by SAR to establish whether the applicants fulfill the prerequisites and criteria for granting a status of a refugee or of a humanitarian status.</p> <p>A foreigner with granted refugee status has the rights and the obligations of Bulgarian citizens with exception of the right to participate in elections for state and local bodies, in national and local referendums, as well as to participate in the founding of political parties and be their member; to occupy a position for which a law requires a Bulgarian citizenship; to be a military serviceman; other restrictions explicitly stipulated by a law.</p> <p>A foreigner with a humanitarian status has the right and the obligations of a foreigner with a permanent residence permit.</p> <p>Bulgarian Identity Documents Directorate, MoI, issues refugee's certificate for travelling abroad to any foreigner that has been granted refugee status with term of validity of up to 5 years; certificate for travelling abroad for foreigners with humanitarian status to any foreigner that has been granted humanitarian status with term of validity of up to three years.</p> <p>These documents allow them to travel outside of the Republic of Bulgaria. The beneficiaries of refugee status travel without visa in the member states. Beneficiaries of humanitarian status travel, depending on their nationality, according to the requirements, criteria and rules of the Member State to which the foreigners depart.</p> <p>Concerning the residence of recognized refugees from another Member States, they are allowed to stay in Bulgaria only for a period of three months with their travelling documents.</p>
	<b>Czech Republic</b>	<b>Yes</b>	General conditions of entry and residence of third country nationals in the Czech Republic apply to UNHCR recognized refugee coming from other EU Member State unless he/she has the status of long-term resident in the EU.
	<b>Estonia</b>	<b>Yes</b>	<p>1. In Estonia an applicant with regard to whom refugee status is established and who is recognised as a refugee shall be issued a temporary residence permit for a period of three years.</p> <p>According to Aliens Act it is permitted to stay in Estonia on the basis of a residence permit issued by a competent agency of a member state of the Schengen Convention for up to a total of ninety calendar days during six months. For residing and working in Estonia the person should contact Police and Border Guard Board. The issue of residence permits to the third country nationals and persons with undetermined citizenship is regulated by the Aliens Act.</p> <p>2. N/A</p>






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	<b>Finland</b>	<b>Yes</b>	Finland ratified the European Agreement on the Abolition of Visas for Refugees in 1990. According to Article 1, Refugees lawfully resident in the territory of a Contracting Party shall be exempt, under the terms of this Agreement and subject to reciprocity, from the obligation to obtain visas for entering or leaving the territory of another Party by any frontier, provided that: a) they hold a valid travel document issued in accordance with the Convention on the Status of Refugees of 28th July 1951 or the Agreement relating to the issue of a travel document to refugees of 15th October 1946, by the authorities of the Contracting Party in whose territory they are lawfully resident; b) their visit is of not more than three months' duration. A visa may be required for a stay of longer than three months or for the purpose of taking up gainful employment in the territory of another Contracting Party.
	<b>France</b>	<b>Yes</b>	1. /2. France would allow a recognised refugee who holds a “temporary residence permit” and who is in possession of a refugee travel document according to the Geneva Convention to travel to its territories for the purpose of residence/employment according to ordinary law rules applying to foreign nationals seeking to stay in France for that purpose.
	<b>Germany</b>	<b>Yes</b>	1. An alien whose refugee status has been established by another Member State and who is in possession of a temporary residence permit of that Member State may stay in Germany only for a short period of time. (Art. 21(1) of the Convention implementing the Schengen Agreement). For a longer stay or for the pursuit of an economic activity, the respective national (German) visa must be applied for prior to entry (Section 4(1) and (3) and Section 6(3) of the German Residence Act).  2. A refugee who has been granted international protection by another Member State and who is in possession of an “EU long-term residence permit” will be issued a residence permit entitling him or her to the pursuit of an economic activity if he or she intends to stay in Germany for more than three months (Article 8 and Chapter III of Directive 2003/109/EC as amended by Directive 2011/51/EU; Section 38(a) of the German Residence Act). A different long-term residence title is not sufficient for that purpose.
	<b>Hungary</b>	<b>Yes</b>	Refugees recognized by the Hungarian asylum authority have the same rights like Hungarian citizens, therefore they have the right to free movement if they hold a travel document.
	<b>Italy</b>	<b>Yes</b>	In Italy, the third-country national who obtains the status of refugee receives a residence permit which lasts for 5 years. For the purposes of international travel, the status holder can request a travel document, which lasts five years and is equivalent to a passport, to the police station (questura). The travel document, once the other necessary conditions have been satisfied, is valid for travel in the Schengen area during ninety days. After this period, it is necessary to request an entry visa. On the same terms, the citizen who obtained the status of refugee in another member State may enter Italy without a visa for ninety days and only for reasons of tourism, business or study. However, in order to be able to work he/she, like all third-country nationals, must request the relevant entry visa to the Italian diplomatic

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			or consular mission.
	<b>Latvia</b>	<b>Yes</b>	Latvia would allow the entry and residence (employment) to persons who are holders of a refugee travel document. The fact that the person has not been granted a long-term residence permit would not influence the decision.
	<b>Lithuania</b>	<b>Yes</b>	<p>Would Member States allow a recognised refugee who holds a “temporary residence permit” and who has in his/her possession a refugee travel document according to the Geneva Convention, to travel to their territories for the purpose of residence/employment?  General conditions will apply. This means that a third country national who holds a temporary residence permit issued in another MS may be issued/replaced with a temporary residence permit in Lithuania <i>inter alia</i> if he/she intends to work in the Republic of Lithuania or intends to engage in lawful activities in the Republic of Lithuania and meets the conditions set in the Law.</p> <p>Are there any Member States which will also require from a recognized refugee to be holder of a long-residence permit?  A third country national holding a long-term residence permit maybe be issued a temporary residence permit in Lithuania in accordance with article 14 of the Directive 2003/109/EC.</p>
	<b>Luxembourg</b>	<b>Yes</b>	<p>1. No. A recognised refugee who holds a residence permit and who has in his/her possession a refugee travel document according to the Geneva Convention, can travel to Luxembourg only for the purpose of visit, but not for the purpose of residence/employment.</p> <p>2. There will be no difference of treatment whether the refugee residence permit is “temporary” or “long-term”.</p>
	<b>Malta</b>	<b>Yes</b>	<p>In view that Malta has signed and ratified the European Agreement on the Abolition of Visas for Refugees, a refugee granted protection in Cyprus, holding a Geneva Convention is not required to be in possession of a visa (vide recital 7 Regulation 2001/ 539) and may remain in Malta for a period of three months.</p> <p>Beyond this period refugees are not allowed to remain in Malta for the purpose of residence/employment.</p> <p>It is to be noted that Malta is, however, in the process of implementing directive DIRECTIVE 2011/51/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection. When the relative legislation would come into force, persons holding refugee status, who have been granted long-term resident status in Cyprus, would enjoy the right of residence in Malta. Such right would, however, be possible if the said Refugees would satisfy the conditions that would be stipulated in the Maltese legislation.</p>
	<b>Netherlands</b>	<b>Yes</b>	<p>1. Would Member States allow a recognised refugee who holds a “temporary residence permit” and who has in his/her possession a refugee travel document according to the Geneva Convention, to travel to their territories for the purpose of residence/employment?  Answer: No</p> <p>2. Are there any Member States which will also require from a recognized refugee to be holder of a long-residence permit?</p>

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			<p>Answer:</p> <p>Yes, The Netherlands requires in that case, conform to the long term residents directive, from a recognized refugee to be holder of a long-residence permit. In the Netherlands a long-term resident has - under some national conditions - the right to reside in their territory, for a period exceeding three months. In cases of an economic activity the Netherlands will apply their national procedures regarding the requirements for residence and exercising such activities.</p>
	<b>Poland</b>	<b>Yes</b>	<p>1. A foreigner whose refugee status has been established by another EU Member State and who is in possession of a temporary residence permit of that EU Member State may reside in the territory of the Republic of Poland without any other documents only for a short period – up to 90 days.</p> <p>For a longer stay or for the pursuit of an economic activity, general conditions will apply. This means that a third country national-refugee who holds a temporary residence permit issued in another EU Member State may be issued with a temporary residence permit in Poland <i>inter alia</i> if he/she intends to work in the Republic of Poland or intends to engage in lawful activities in Poland and meets the conditions set in the Act on Foreigners.</p> <p>2. There will be no difference of treatment whether the refugee residence permit is “temporary” or “long-term”.</p>
	<b>Portugal</b>	<b>Yes</b>	<p>The travel document issued according the Geneva Refugee Convention accompanied by a temporary residence permit does not allow the refugee to settle or work in another MS. Only the long-term residence permits allows to the refugee to settle and get a job in another MS.</p>
	<b>Slovak Republic</b>	<b>Yes</b>	<p>1. In case the third country national has the residence permit in another Member States (it is not examined on what basis) and s/he shows that is allowed to stay on the territory of the Slovak Republic, s/he has the right to apply for the temporary residence permit for the purpose of employment (when fulfilling the conditions set by the law).</p> <p>2. No the Slovak Republic does not apply such a requirement.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>The Swedish Aliens Ordinance regulates to what extent holders of travel documents are exempt from the visa requirement. This concerns holders of travel documents that have been issued in accordance with the Convention relating to the Status of Refugees of 28 July 1951 (Swedish Treaty Series 1954:55) or the Convention relating to Refugee Seamen of 23 November 1957 (Swedish Treaty Series 1959:16) and that have been issued by a Swedish authority or an authority in a state that has acceded to the European Agreement on the Abolition of Visas for Refugees of 20 April 1959 (Swedish Treaty Series 1960:75) and that applies this Agreement in relation to Sweden. All other holders of travel documents need a visa or a residence permit in order to travel to Sweden.</p>
	<b>United Kingdom</b>	<b>Yes</b>	<p>Residence documents issued in the UK entitles the holder to reside and work in the UK but not elsewhere in Europe. The UK does not accept someone granted refugee status in another MS to come to the UK for the purpose of employment or residence unless they were</p>

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			granted permanent residence as a citizen of that MS – with the EEA free movement rights that such a grant would confer.
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