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EMN European Migration Network

Ad-Hoc Query

2024.48 Update validity of residence permits for international protection

European Migration Network
Ad-hoc query

AD-HOC QUERY ON 2024.48 UPDATE VALIDITY OF RESIDENCE PERMITS FOR INTERNATIONAL PROTECTION

REQUESTED BY EMN NCP NETHERLANDS ON 13 AUGUST 2024

Responses from: EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden **(24 in total)**

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN National Contact Points (NCPs) in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN Country.

BACKGROUND INFORMATION

As part of the outline agreement for the formation of a new government in the Netherlands concluded on 16 May 2024, it was agreed to change the validity of permits for beneficiaries of international protection. Currently the validity of the initial residence permit for beneficiaries of international protection in the Netherlands is five years. The Dutch Ministry of Asylum and Migration is currently preparing a proposal to change this validity. As part of this proposal, the Ministry would like to include an overview of the current validity of residence permits for beneficiaries of international protection in other EMN Member and Observer Countries.
The most recent available public overview can be found in the EMN study 'Comparative overview of national protection statuses in the EU and Norway' of 2020 (table on page 48 of the report). This Ad-Hoc Query aims to update this information.

WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **24 September 2024**.

1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection?

2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection?

3. What is the validity of the subsequent residence permit (in years) for refugee protection?

4. What is the validity of the subsequent residence permit (in years) for subsidiary protection?

RESPONSES

		Wider Dissemination?	
	EMN NCP Austria	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? In Austria, a foreign person with asylum status, is granted a temporary residence permit. The residence permit is valid for three years (Art. 3 para. 4 Asylum Act 2005). 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? A foreign national with subsidiary protection status must be issued a temporary residence permit. The residence permit is valid for one year (Art. 8 para. 4 Asylum Act 2005). 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The residence permit is extended for an indefinite period if the requirements for initiating a procedure to withdraw

			asylum status are not met or the withdrawal procedure is discontinued (Art. 3 para 4 Asylum Act 2005). 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The residence permit will be extended for a further two years upon application by the foreign national if the requirements continue to be met (Art. 8 para. 4 Asylum Act 2005).
	EMN NCP Belgium	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? 5 years 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? 1 year 3. What is the validity of the subsequent residence permit (in years) for refugee protection? Unlimited stay. The validity of the subsequent residence card is again 5 years, but the underlying residence right is permanent. Once third-country nationals have been recognized as refugees, they have the right to reside temporarily in Belgium for a period of five years, starting from the day they applied for asylum. After this period of five years, they will be given a permanent residence right. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? 2 years If third-country nationals are granted subsidiary protection, they will receive an identity document in the form of an electronic A-card. This is a proof of registration in the register of foreign nationals - temporary stay. The electronic A-card is valid for one year and can be renewed for a period of two years. After these two years, the beneficiaries of

			subsidiary protection can again request a two-year renewal. After five years, counting from the submission of the application for international protection, they will receive an electronic B-card: a proof of registration in the register of foreign nationals – unlimited stay.
	EMN NCP Bulgaria	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? Persons granted refugee status are entitled to a refugee card valid for three to five years. (Art. 59 (1), p. 1 Law on the Bulgarian Personal Documents). 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? Persons granted subsidiary protection (called humanitarian status in the national legislation) are entitled to a card of a foreigner with humanitarian status. The validity of the first card is for up to three years. (Art. 59 (1), p. 3 Law on the Bulgarian Personal Documents). 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The validity of the subsequent refugee card is for the same period as the initial one - from three to five years. If the term of the document expires, it can be extended for a new term. One month before the term of validity of the old card expires, issuing of a new card have to be requested. This procedure applies to both types of cards. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The validity of the subsequent card of a foreigner granted subsidiary protection is for the same period as the first one - up to three years. If the term of the document expires, it can be extended for a new term. One month before the expiry of the validity period of the old card, the issuance of a new one must be requested. This procedure applies to both types of cards.

	EMN NCP Croatia	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? In accordance with Article 75(2). of the International and Temporary Protection Act ((Official Gazette of the Republic of Croatia No: 70/15, 127/17 and 33/23), if the foreigner has been granted asylum status in the Republic of Croatia, the residence permit is issued for a period of 5 years. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? In accordance with Article 75(3). of the International and Temporary Protection Act (Official Gazette of the Republic of Croatia No: 70/15, 127/17 and 33/23), a residence permit is issued for a period of three years to any foreigner who has been granted subsidiary protection in the Republic of Croatia. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The residence permit is issued for a period of 5 years 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The residence permit is issued for a period of 3 years
	EMN NCP Cyprus	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? 3 years 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? 1 year

			3. What is the validity of the subsequent residence permit (in years) for refugee protection? 3 years 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? 2 years
	EMN NCP Czech Republic	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? The validity of the first residence permit (or initial length) for refugee protection is 10 years (adults) or 5 years (minors). 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? The validity of the first residence permit for subsidiary protection is no less than 1 year. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The validity of the subsequent residence permit for refugee protection is 10 years (adults) or 5 years (minors). 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The validity of the subsequent residence permit for subsidiary protection is 2 years at least.
	EMN NCP Estonia	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? A residence permit is issued to a refugee for three years.

			2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? A residence permit is issued to a person eligible for subsidiary protection for one year. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The Police and Border Guard Board may extend the residence permit issued to a refugee for three years. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The Police and Border Guard Board may extend the residence permit issued to a person eligible for subsidiary protection for two years.
	EMN NCP Finland	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? The validity of the first residence permit for refugee protection (asylum) is 4 years. A legislative amendment is currently in preparation to shorten the validity to 3 years. It is still unknown when the amendment will enter into force. Link to the news item on the legislative amendment: Sisäministeriössä valmistellaan tiukennuksia kansainväliseen suojeluun - Valtioneuvosto 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? The validity of the first residence permit for subsidiary protection is 4 years. A legislative amendment is currently in preparation to shorten the validity to 1 year. It is still unknown when the amendment will enter into force. 3. What is the validity of the subsequent residence permit (in years) for refugee protection?

			The validity of the subsequent residence permit is 4 years. A legislative amendment is currently in preparation to shorten the validity of the subsequent permit to 3 years. It is still unknown when the amendment will enter into force. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The validity of the subsequent residence permit is 4 years. A legislative amendment is currently in preparation to shorten the validity of the subsequent permit to 2 years. It is still unknown when the amendment will enter into force.
	EMN NCP France	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? 10 years residence permit 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? 4 years 3. What is the validity of the subsequent residence permit (in years) for refugee protection? 10 years 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? 10 years residence permit
	EMN NCP Germany	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? Persons who are recognized as refugees receive a residence permit from their local foreigners' authority for three

			years (Section 26 (1) Sentence 3 Residence Act). More information on the issuance and extension of residence permits can be found under the Section 8, Section 9, Section 25 subsections (1) to (3) and the Section 26 of the Residence Act (AufenthG). 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? Persons who are entitled to subsidiary protection receive a residence permit which is valid for three years (Section 26 (1) Sentence 3 Residence Act). 3. What is the validity of the subsequent residence permit (in years) for refugee protection? Upon its expiry, the residence permit for refugees can be extended. Extending the temporary residence permit is subject to the same regulations as granting it (Section 8 (1) Residence Act). This means that a residence permit issued to refugees can be extended by three years. After five years, a permanent settlement permit can be issued if, the applicant's livelihood is for the most part ensures (>50%), the applicant has elementary knowledge of the German language (level A2 of the Common European Framework of Reference for Languages (CEFR)) and the other prerequisites are met. Under certain circumstances, a permanent residence permit may be granted after three years, provided that the applicant's livelihood is for the most part ensures (>75%), the applicant has an advanced command of the German language (level C1 CEFR) and the other prerequisites are met. The period of the asylum procedure is included in both cases. This is however conditional in each case on the German Federal Office for Migration and Refugees (BAMF) not initiating a revocation procedure. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? Upon its expiry, the residence permit for beneficiaries of subsidiary protection can be extended. Extending the temporary residence permit is subject to the same reulations as granting it. This means that a residence permit issued to beneficiaries of subsidiary protection can be extended by three years. A permanent residence permit can be issued after five years at the earliest (the duration of the asylum procedure is

			included) if the applicant's livelihood is secured, the applicant has paid compulsory or voluntary contributions into the statutory pension scheme for at least 60 months or is entitled to comparable benefits from other sources, the applicant demonstrates sufficient knowledge of the German language (level B1 CEFR) and the other prerequisites are met.
	EMN NCP Greece	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? According to Law 4939/2022 the validity of the first residence permit is 3 years for refugees. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? According to Law 4939/2022 the validity of the first residence permit is 1 year for beneficiaries of subsidiary protection. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The renewed permit of a refugee is valid for 3 years. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The permit can be renewed for another 2 years, after re-examination
	EMN NCP Hungary	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? In Hungary, beneficiaries of international protection receive an identification document (similarly to Hungarian citizens), not a residence permit. Beneficiaries of international protection enjoy the same rights and have the same obligations as Hungarian citizens, except in cases specified by law (such as voting rights, etc.) Thus, the length of the protection status is indefinite, not bound to the validity of a residence permit (or the ID). At the same time, a refugee status has to be reviewed every 3 years, as set out by Section 7A of Act LXXX of 2007

			on Asylum. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? In Hungary, beneficiaries of international protection receive an identification document (similarly to Hungarian citizens), not a residence permit. Beneficiaries of international protection enjoy the same rights and have the same obligations as Hungarian citizens, except in cases specified by law (such as voting rights, etc.) Thus, the length of the protection status is indefinite, not bound to the validity of a residence permit (or the ID). At the same time, a subsidiary protection status has to be reviewed every 3 years, as set out by Section 14 of Act LXXX of 2007 on Asylum. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? See above 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? See above
	EMN NCP Ireland	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? The validity of the first residence permission for refugee protection is 3 years for convention refugees and up to 3 years resettled refugees. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? The validity of the first residence permission for subsidiary protection is 3 years. 3. What is the validity of the subsequent residence permit (in years) for refugee protection?

			The residence permit may be renewed unless there are compelling reasons of national security or public order not to renew it. No period of years is set out in legislation for renewals. The residence permit ceases to be valid if the person ceases to be a holder of refugee status. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The residence permit may be renewed unless there are compelling reasons of national security or public order not to renew it. No period of years is set out in legislation for renewals. The residence permit ceases to be valid if the person ceases to be a holder of subsidiary protection status.
	EMN NCP Italy	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? The person who applied for refugee status is issued a first residence permit valid for 6 months. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? The duration of the first permit issued for subsidiary protection is 5 years. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The duration of the subsequent permit issued for refugee protection is also 5 years. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? The duration of the subsequent permit issued for subsidiary protection is also 5 years.

	EMN NCP Latvia	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? 5 years. A refugee shall be issued a permanent residence permit. A permanent residence permit shall be registered once every five years. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? 1 year. A person who has acquired subsidiary protection shall be issued a temporary residence permit for one year. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? 5 years. A permanent residence permit shall be registered once every five years. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? 2 years. If the person submits an application to the Office of Citizenship and Migration Affairs regarding extension of the time period of residence one month prior to expiry of the time period and any of the conditions for granting subsidiary protection still exist, within one month the decision to issue a temporary residence permit shall be taken. Subsequent residence permits are issued for the time period of two years.
	EMN NCP Lithuania	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? In accordance with Article 53(1)(7) of the Law on the Legal Status of Foreigners, if a foreigner has been granted refugee status in the Republic of Lithuania, he/she may be issued a permanent residence permit. Permanent residence permits are issued and replaced for 5 years. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection?

			In accordance with Article 48(2) of the Law on the Legal Status of Foreigners, a temporary residence permit is granted for two years to any foreigner who has been provided subsidiary protection in the Republic of Lithuania. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? 5 years 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? 2 years
	EMN NCP Luxembourg	**Yes**	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? In accordance with article 57 (1) of the amended law of 18 December 2015 on international protection and temporary protection (Asylum Law) the minimum validity of the resident permit issued to beneficiaries of a refugee status is of 3 years renewable. In practice, the residence permit is issued for a period of five years. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? In accordance with article 57 (1) of the Asylum Law the minimum validity of the resident permit issued to a beneficiary of subsidiary protection is of 3 years renewable. In practice the residence permit is issued for a period of five years. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? If all the requisites are fulfilled the beneficiary of refugee status has his/her residence permit renewed for five years.

			4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? If all the requisites are fulfilled the beneficiary of subsidiary protection status has his/her residence permit renewed for five years.
	EMN NCP Netherlands	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? 5 years 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? 5 years 3. What is the validity of the subsequent residence permit (in years) for refugee protection? 5 years or permanent if the civic integration requirement is fulfilled. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? 5 years or permanent if the civic integration requirement is fulfilled.
	EMN NCP Poland	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? When refugee status is granted, as a rule, this residence title is indefinite. The term, however, is related to the validity period of the documents issued. In the case of refugee status, the residence card issued, will be valid for 3 years. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection?

			When subsidiary protection is granted, as a rule, this residence title is indefinite. The term, however, is related to the validity period of the documents issued In the case of subsidiary protection, the residence card issued will be valid for 2 years. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? After the expiration of the validity period of the residence card issued in connection with the acquisition of refugee status, another residence card is issued, valid for the period of 3 years. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? After the expiration of the validity period of the residence card issued in connection with the acquisition of subsidiary protection, another residence card is issued, valid for the period of 2 years.
	EMN NCP Portugal	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? In Portugal, the first residence permit for refugee protection is issued for a five years period, as per article 67, nr. 1, of the Law 27/2008 in its current wording. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? In Portugal, the first residence permit for subsidiary protection is issued for a three years period, as per article 67, nr. 2, of the Law 27/2008 in its current wording. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? According to the Portuguese law, the validity of the subsequent residence permit for refugee protection is for subsequent five-year periods, as per article 67, nr. 1, of the Law 27/2008 in its current wording.

			4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? In Portugal, the validity of the subsequent residence permit for subsidiary protection is for subsequent three-year periods, pending evaluation of any situational developments in the country of origin, as per article 67, nr. 2, of the Law 27/2008 in its current wording.
	EMN NCP Slovakia	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? Asylum is generally granted for an unlimited time, however if it is granted due to family reunion reasons, it is initially limited to 3 years only. A residence document stating 'Azylant' (´person with granted asylum ´) is issued for ten or three years respectively. It is considered permanent residence. 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? Subsidiary protection is initially granted for a year. A residence document stating 'Doplnkova ochrana' ('Subsidiary protection') is issued for one year. It is a type of temporary residence. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? See question one - unlimited time. The document as such is renewable. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? Subsidiary protection can be extended for 2 years, even repeatedly.
	EMN NCP Slovenia	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? The first residence permit issued for refugees counts as a permanent residence permit and is valid for 10 years.

			2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? The competent authority determines the duration of the subsidiary protection status on a case-by-case basis, which may not be less than one year. A residence permit issued to a person who has been granted subsidiary protection is valid for the period for which they have been granted subsidiary protection. 3. What is the validity of the subsequent residence permit (in years) for refugee protection? The subsequent permit can be renewed without any difficulty before expiry and is again valid for 10 years. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? If there are grounds for an extension of the subsidiary protection, the competent authority shall issue a decision extending the subsidiary protection for two years. A residence permit is issued accordingly.
	EMN NCP Spain	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? Five years 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? Five years 3. What is the validity of the subsequent residence permit (in years) for refugee protection? Five years 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection?

			Five years
	EMN NCP Sweden	Yes	1. What is the validity of the first residence permit (or initial length) (in years) for refugee protection? 3 years 2. What is the validity of the first residence permit (or initial length) (in years) for subsidiary protection? 13 months 3. What is the validity of the subsequent residence permit (in years) for refugee protection? 2 years. But a beneficiary of international protection with temporary residence permit can apply for permanent residence after three years in the country with temporary residence permit, if the person can support him/herself and there are no other doubts that permanent residence should be granted. 4. What is the validity of the subsequent residence permit (in years) for subsidiary protection? 2 years. But a beneficiary of international protection with temporary residence permit can apply for permanent residence after three years in the country with temporary residence permit, if the person can support him/herself and there are no other doubts that permanent residence should be granted.

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