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7.12.1 National forms of protection and regularisation measures

Germany, the Netherlands and Spain introduced measures to regularise the situation of some specific groups of applicants who did not qualify for international protection.

The scope of tolerated status based on education was extended in Germany and now the status includes those in education and training for care services (*Helfer- und Assistenzausbildungen*) in occupations with a shortage of workers. In addition, persons with a tolerated stay can receive a two-year residence permit if they continue to work directly after completing their education (DE LEG 06). The same act introduced the tolerated status related to employment (*Beschäftigungsduldung*) for persons who can cover their living costs and are well integrated. The criteria include: a minimum of 12 months of tolerated status (*Vorduldung*), clear identity, employed for at least 18 months working at least 35 hours per week, stable livelihood and sufficient knowledge of the language (DE LEG 06).

A new protection status was established in the Netherlands, where a temporary residence permit can be granted to a resident third country national who is terminally ill. In addition, the final regulation implemented a children's pardon (*kinderpardon*) that allowed a certain group of rejected minor applicants and their family members to request a residence permit before 25 February 2019. The IND received 1 070 such requests in 2019.[567] The procedure granting a residence permit for persons in a distressing situation was also re-shaped. The Minister for Migration no longer has the possibility based on its discretionary power to grant such residence permits when the beneficiary does not qualify for any other type of residence permit. The Managing Director of the IND was mandated to consider within the assessment of the first application whether a distressing situation exists.[568]

Spain established a policy granting a one-year, renewable residence permit on humanitarian grounds for Venezuelan nationals whose application for international protection was rejected. UNHCR prepared an information note for this target group.[569]

Following up on the implementation of measures adopted in 2018, civil society organisations in Malta observed that many people could not register an application for Specific Residence Authorisation (SRA) when Identity Malta frequently considered the application incomplete without in-depth examination or explanation. It also remained unclear how a negative in-merit decision could be appealed.[570] The Maltese government established the SRA policy in 2018 for

rejected applicants who fulfilled a number of criteria.[571] Maltese authorities clarified that prior to the registration of an SRA application, Identity Malta examines the application and relative documentation. Inadmissible applications and all documentation are returned to the applicant with a note specifying the reasons for inadmissibility, for example missing documentation or not qualifying due to the minimum residence period. Identity Malta is often in contact with NGOs which provide assistance to applicants. A detailed register is kept about inadmissible cases for accountability.

567 IND. (2019, March 22). *IND gaat 1070 aanvragen kinderpardon beoordelen*. http://ind.nl:80/nieuws/Paginas/IND-gaat-1070-aanvragen-kinderpardon-beoordelen.aspx

568 IND. (2019, April 12). *NL_Discretionary power abolished with effect from 1 May*. http://ind.nl:80/en/news/Pages/Discretionary-power-abolished-with-effect-from-1-May.aspx; IND. (2019, April 30). *Policy rules published for assessment of distressing situation*. http://ind.nl:80/en/news/Pages/Policy-rules-published-for-assessment-of-distressing-situation.aspx

569 UNHCR. (2019, March 7). *Nota informativa sobre solicitudes de asilo de venezolanos denegadas en España*. https://www.acnur.org/es-es/noticias/press/2019/3/5c81294f4/nota-informativa-sobre-solicitudes-de-asilo-de-venezolanos-denegadas-en.html

570 AIDA Malta. (2020). *Country Report: Malta—2019 Update*. Edited by ECRE. Written by aditus. https://www.asylumineurope.org/sites/default/files/report-download/aida_mt_2019update.pdf

571 See: EASO. (2019). *Annual Report on the Situation of Asylum in the European Union 2018*. https://easo.europa.eu/sites/default/files/easo-annual-report-2018-web.pdf

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