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icon on national forms of protection

Following the Taliban rise to power in 2021 *(see Section 2)*, many EU+ countries provided Afghan evacuees with humanitarian protection or a special temporary residence permit at first, allowing the newcomers to apply for international protection later. This was the case for example in Denmark, Finland,[1086] Hungary and Switzerland.[1087]

Italy finetuned its processes related to national forms of protection which were established in recent years. The Italian Ministry of the Interior published a circular informing prefectures about the possibility of regularisation on the basis of transforming undeclared work to regular employment,[1088] which was created by Legislative Decree No 34/2020.[1089] Another circular clarified that the special permit based on the principle of *non-refoulement* – based on Legislative Decree No 130/2020[1090]– can be requested directly from the questura.[1091]

Indeed, the Lecce Tribunal held that the provisions of Legislative Decree No 130/2020 restored a previous form of humanitarian protection and jurisprudence related to that protection remained applicable. The Supreme Court of Cassation noted that, when deciding on granting a special permit for humanitarian considerations, a comparative assessment was necessary on the applicant's situation in Italy, the level of integration and the living conditions in the country of origin. The Rome Tribunal granted a special permit based on humanitarian considerations in another case, examining the applicant's effective social integration in Italy.

The Italian government also shared clarifications on the process of converting the permit of an unaccompanied minor to a work permit, following a ruling from the Council of State.[1092] When there are no sufficient elements to assume the social and civil integration of the applicant, the person is required to provide additional information on schooling, professional training, social and civil behaviour, and family, and the questura is requested to assess these new elements, even if Italian legislative provisions are not binding on the matter.

Among regularisation initiatives, the Irish government launched a scheme with a strand for undocumented migrants[1093] and another for applicants for international protection.[1094] Asylum seekers who have been in the asylum procedure for at least 2 years can apply for unrestricted access to the labour market and a pathway to Irish citizenship. They can continue

with the asylum procedure in parallel with the regularisation process.

Migrants without official papers in Belgium – many of them rejected asylum applicants – held a hunger strike for 2 months, demanding the regularisation of their status after several years of living and working in the country.1095 The Immigration Office underlined that no collective regularisation initiatives were planned and each request was treated in an individual manner. 1096 The neutral zone, which hosted the hunger strikers, was finally closed at the end of July 2021.1097 The Belgian CALL decided on cases related to the authorisation to stay and, for example, annulled the decision of the Immigration Office to reject an authorisation to stay for humanitarian reasons of a former asylum applicant who was excluded from international protection. The authority did not provide arguments for the rejection of the authorisation to stay, but it noted that the person could be considered a danger to public order or security by referring to the exclusion decision.

In the Netherlands, a new policy was launched to naturalise approximately 8,000-10,000 persons who were regularised earlier, the so-called RANOV permit holders. This group was exempted from some of the conditions for naturalisation, such as submitting a valid foreign passport or other evidence of their nationality, a birth or registration certificate, and they are not obliged to renounce their original nationality.1098

In France, more than 12,000 workers with a job linked to COVID-19 and essential workers were naturalised in October 2021 by lowering the 5-year legal residency to just 2 years.

Evaluating initiatives from previous years, the Council of Europe's European Commission against Racism and Intolerance adopted conclusions on the implementation of its recommendations to Malta in 2021, and observed that the government established the Specific Residence Authorisation policy for rejected applicants for international protection in 2019. However, the organisation noted that this status does not offer a more permanent solution for the regularisation of people who cannot be returned to their country of origin. Thus, it considered that the related recommendation had not been implemented.1099

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