Please cite as: EUAA, '4.14.2.3. Residence permits and travel documents' in *Asylum Report 2022*, Μάιος 2022.

4.14.2.3. Residence permits and travel documents

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Member States must issue a residence permit to beneficiaries of international protection: refugees should receive a permit for at least 3 years which is renewable and beneficiaries of subsidiary protection should receive a permit for at least 1 year which is renewable. Refugees are entitled to travel documents as foreseen in the Geneva Convention, while beneficiaries of subsidiary protection may receive the national passport of their host country, under specific conditions.

Sweden shifted towards shorter, more temporary first permits after adopting proposals from 2020.1102 The legislation on travel bans was extended in Switzerland. A brief issue arose in Belgium, where, due to the high number of decisions recognising refugee status in October and November 2021, the CGRS had a temporary backlog in issuing refugee certificates,1103 necessary to obtain the residence permit from the municipality. This was resolved by the beginning of 2022.

A bill adopted in Sweden made all new residence permits temporary, with the exception of resettled refugees. Permanent residence can be obtained after a minimum of 3 years in the country, and as a general rule, adults applying have to be able to support themselves and their dependant relatives and have decent housing.1104 The changes were adopted even though during the legislative process several actors warned against the risk of a negative impact on integration.1105 For example, a survey report in the frames of the RESPOND project presented the migration and integration experiences of Syrians in Sweden and found that their legal status seemed to have an impact on their mental health, and those with temporary permits were more likely to declare poor mental health.1106

Law No 4825/2021 made minor adjustments to the provisions on the residence permit of beneficiaries of international protection and their family members in Greece and adjusted some of the provisions related to the delivery of travel documents to beneficiaries of international protection.1107 Refugee Support Aegean and ProAsyl observed that beneficiaries of international protection still faced administrative challenges to obtain official documentation, including the residence permit which is a prerequisite to obtain a social security number and social benefits. Due to a continuing backlog in issuing residence permits by the police, the

organisations observed that several applicants had to wait months to obtain the permit.1108 This was particularly difficult for beneficiaries who travelled on to another country in the EU and needed to return to Greece.1109 The Mobile Info Team observed cases when the residence permit was delivered only after 16 months.1110 The organisation also witnessed several cases when beneficiaries of international protection who were recognised in Germany and travelled to Greece for family reasons had to wait several months to receive a visa to re-enter Germany, during which period they were left without any protection.1111

A Royal Decree facilitated the process of granting residence and work permits for unaccompanied children in Spain. The length of the initial permit was increased from 1 to 2 years, and the renewal period will be 3 years. Children aged 16 will be entitled to work based on this residence permit. For children reaching the age of majority, integration, studies and training are considered as valid grounds for extending and transferring their permit to another title.1112

The AIDA report for Romania noted that beneficiaries need to have a rental contract to be issued a residence permit, while many of them face difficulties in finding an apartment.1113

Third-country nationals, including beneficiaries of international protection, who would like to obtain a long-term permanent residence after 5 years of continuous residence in Czechia must take a Czech language exam at A2 level instead of A1 since September 2021.1114 Those who are issued a long-term residence permit must complete within a year a 4-hour integration course on their rights and obligations, fundamental values, everyday life, culture and traditions.1116 On the path toward long-term permanent residence, the Czech Supreme Court concluded that stateless persons do not have to be granted the same type of residence permit and rights as available for refugees *(see Section 4.13)*.

Regarding the travel of beneficiaries of international protection, the Swiss parliament approved amendments to the Swiss Federal Act on Foreigners and Integration which imposed a general travel ban on persons with temporary admission entering into force later in 2022.[1116] The possibility has existed since 2020 to pronounce a general travel ban for a group of refugees from a certain country of origin, and the amendments from 2021 build on this to align the legislation on refugees and persons with temporary protection.1117 Persons travelling back to their country of origin would automatically have their status revoked.

UNHCR found that the new measures disproportionately limit the freedom of movement and the right to family life1118 and proposed a compromise allowing for travel to other Schengen countries under certain conditions.1119The organisation also noted that the National Council (lower house of the parliament) initially proposed certain exceptions, for example travelling for sports and cultural events or for visiting family members.1120 However, none of these proposed exceptions were included in the final version of the law. The Swiss Refugee Council described in detail the practical barriers in obtaining the permits and documents necessary within this new legal framework to exceptionally travel.1121

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