

# WHAT NATIONAL PROTECTION STATUSES EXIST IN MEMBER STATES AND NORWAY?

## EMN FLASH #11 - 2020

Introduction to the EMN Study on a comparative overview of national protection statuses in EU and Norway.

In addition to the two protection statuses harmonised at European level (refugee status and subsidiary protection), a variety of national protection statuses exist. While comparative information is available on how the Member States deal with the EU-harmonised protection statuses, there is an overall lack of information on the national protection statuses.

Do Member States and Norway grant any other forms of protection than those covered by EU asylum legislation? If so, what type of statuses do they grant and what procedures have they put in place to process

applications? What are the rights and standards that come with these statuses and how do they compare with the EU-harmonised statuses?

The 2010 EMN study on [‘The Different National Practices Concerning Granting of Non-EU Harmonised Protection Statuses’](#) provided a first comprehensive overview of practices in 23 Member States. The present study provides an update on available national protection statuses since 2010, examining the protection grounds, procedures, key rights and content of protection of each type of status.

### Key findings



**20 Member States and Norway had at least one national protection status** in addition to those harmonised at EU level. The study identified a total of **60 non-harmonised protection statuses**.



**National protection statuses cater for a wide variety of protection needs and situations, exceeding the grounds for international protection under EU asylum law.** In most cases, statuses relate to ‘general’ humanitarian reasons, to more specific ones such as medical reasons and *non-refoulement* principle, but they can also relate to environmental disasters in the country of origin and the interest of a minor to remain on the territory of a State.



**Limited statistics are available on national protection statuses granted by Member States and Norway.** Eurostat figures on authorisations to stay for humanitarian reasons suggest a five-fold increase in the number of national protection statuses granted between 2010 and 2018, following a similar trend to (positive) decisions on refugee and subsidiary protection statuses.



**11 Member States introduced legislative changes regarding national protection statuses between 2010 and 2018**, which mostly consisted of establishing more restrictive eligibility criteria.



**The grounds for the national protection remain largely undefined leaving a significant margin of discretion to competent authorities**, potentially creating challenges for both authorities when assessing applications, and for applicants when lodging a claim for national protection.

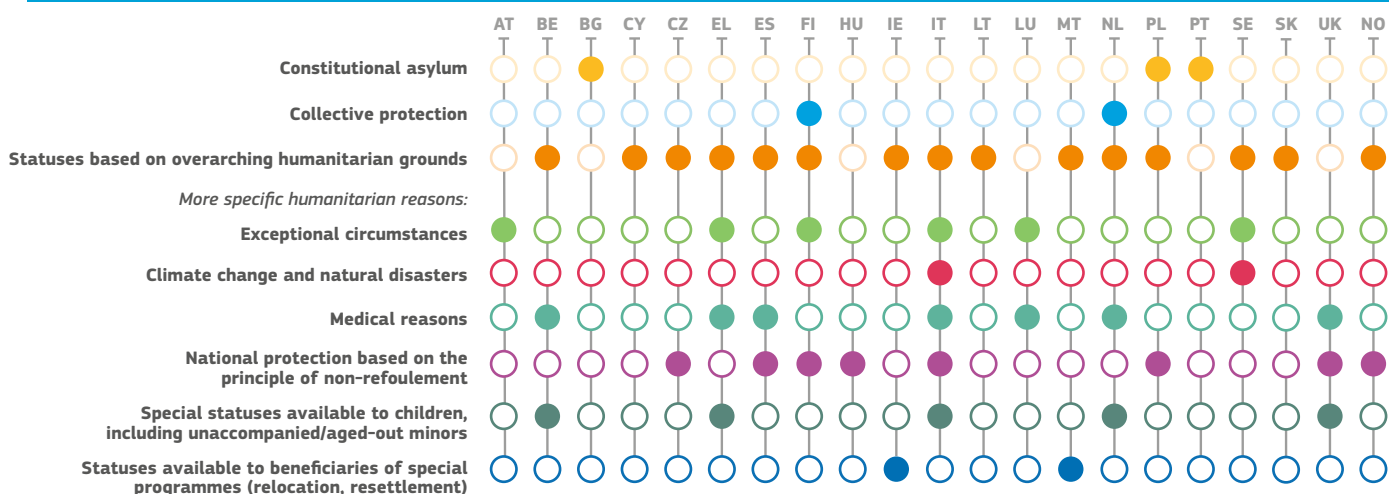


**Member States also have a greater level of discretion regarding the determination procedures compared to the EU-harmonised statuses.** In half of the statuses examined, asylum authorities are not involved, with other migration authorities or political bodies (president, national parliament) deciding which third-country nationals may access to these statuses. In several instances, the application is not examined as part of the same procedure assessing an application for international protection but rather in a separate one.



In most statuses, **the content of protection is similar to the minimum standards set in EU law**, particularly in relation to the duration of the residence permit, access to healthcare and integration services. In a few rare cases, **national protection statuses offer more favourable standards than EU law** (e.g. protection statuses available for children and constitutional asylum).

### Typology of non-harmonised protection statuses in EU Member States and Norway



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