



AD HOC QUERY ON 2020.15 BE AHQ on BIP's returning to your MS after lodging an application for IP in another MS

Requested by EMN NCP Belgium on 11 March 2020

Responses from Bulgaria, Cyprus, Estonia, Finland, France, Hungary, Italy, Latvia, Luxembourg, Netherlands, Poland, Slovakia, Sweden (13 in Total)

Disclaimer:

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1. Background information

Belgium has noticed for some time that some applicants for international protection in its reception network have already been granted protection in another EU Member State. Some of these applicants ask for support to return in the Member States that granted protection. To alleviate the pressure on the reception network, Fedasil provides them with tickets to return through the voluntary return programme. Potential returnees frequently ask questions about what will happen upon return and whether their journey to Belgium might have any consequences.

In Belgium, beneficiaries of international protection having lodged an application for international protection in another Member States can return to Belgium without further consequences and this, even if their residence permit has expired in the meantime. To support them in their integration, they have the possibility to register at the Public Centre for Social Welfare (known as OCMW/CPAS) where they can benefit from financial, housing, education, job or medical support.

Based on the answers collected, Fedasil would like to draw up a document with relevant and up-to-date information about the situation in other Member States for beneficiaries of international protection having lodged an application for international protection in another Member State and willing to return.

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2. Questions

1. Following the above-mentioned context, are there any potential consequences on the protection status upon return in your Member State? If yes, what kind of consequences can potential returnees expect and where can they find inform about it?

Regarding registration

2. Are there governmental institutions where they can apply for support upon return? If yes, which institutions are responsible and where can they find inform about it?

Regarding reception

3. If yes, which of the following supports can they benefit from?

Available choices: Housing, Financial, Job search, Education, Access to medical services

4. Please elaborate, or add any relevant information in this context

We would very much appreciate your responses by **20 May 2020**.


3. Responses

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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		Wider Dissemination ²	
	EMN REG Practitioners Bulgaria	Yes	<p>1. In Bulgaria, beneficiaries of international protection having lodged an application for international protection in another Member States can return without further consequences.</p> <p>2. Aliens who seek or have been granted international protection are entitled to assistance and help by the United Nations High Commissioner for Refugees and other government or non-governmental organizations at any stage of the procedure and after international protection has been granted. Recognised refugees are entitled to equal treatment in rights to Bulgarian nationals with just a few exclusions, such as: participation in general and municipal elections, in national and regional referenda; participation in the establishment of political parties and membership of such parties; holding positions for which Bulgarian citizenship is required by law; serving in the army and, other restrictions explicitly provided for by law. Individuals granted subsidiary protection have the same rights as third-country nationals with permanent residence. In addition, an alien who has been granted international protection may be provided with financial support for housing for a period of up to 6 months as from the date of entry into force of the decision for granting international protection under the terms and procedure established by the Chairperson of the State Agency for Refugees in coordination with the Minister of Finance. Aliens who have been granted international protection may be involved in programmes and projects with integration measures. Beneficiaries of international protection benefit from employment programmes upon their registration with the employment offices.</p> <p>3. Housing, Job search, Education, Access to medical services Aliens who have been granted international protection are offered to sign an integration agreement regulating their rights and obligations, as well as the rights and obligations of the relevant state or municipal authorities. The</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."


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			<p>agreement envisages integration activities for education, employment, training, accommodation, health care, welfare benefits and social services.</p> <p>clarification.docx</p> <p>4. -</p>
	EMN REG Practitioners Cyprus	Yes	<p>1. The beneficiary will be asked to inform the competent authority (Asylum Service) for the reasons (s)he left the country (and the period (s)he was abroad) but in general there will be no consequences on the protection status (unless there are other matters to take into consideration such as whether the beneficiary is a threat to the national security, public order etc.)</p> <p>2. They usually ask for information and support to the Asylum Service of the Ministry of Interior</p> <p>3.</p> <p>4. The Asylum Service will provide information to the beneficiary and will refer him/her to the competent authorities in order to have access to the rights provided for in the Refugee Law, or any other law, such as housing, welfare allowance, healthcare, education etc. Furthermore, there are many other projects, mainly co-funded by AMIF, that help and support refugees. For example, a number of Migrant information Centres operate in Cyprus (MiHub), which help (especially) vulnerable migrants/beneficiaries of international protection/asylum seekers across Cyprus feel informed and supported and offer advice on a wide range of issues (https://mihub.eu/en/). Please note that no special project/programme exists for the cases described in this AHQ.</p>
	EMN REG Practitioners Estonia	Yes	<p>1. No, Estonia hasn't set up any consequences for the case as described above. But it is important to mention, that so far Estonia has not had such cases.</p> <p>2. Yes, in Estonia the Social Insurance Board is responsible for offering support to those returnees. The</p>



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			<p>Unemployment Insurance Fund is providing support related to work activities. Information about different options of support upon return can be obtained from the local municipality where the returnee was last registered or from a support person for refugees (service is provided by NGOs).</p> <p>3. Housing, Job search, Education, Access to medical services,</p> <p>4. On return the returnee is required to re-apply for supports. The supports can only be used in the volume left for use (e.g. the volume of language courses provided to returnee upon return will depend on the volume of language courses used/attended by the returnee before leaving the Member State). If owner of the property which the returnee used to inhabit has ended their contract, then finding new housing and finances to establish the rental agreement is the responsibility of the returnee. If the returnee has stayed away from the Member State more than 90 days, the financial support measure for families designated to the returnee will be suspended (only if they have also received this kind of support prior to leaving).</p>
	<p>EMN REG Practitioners Finland</p>	<p>Yes</p>	<p>1. Each case is considered individually. There are very few cases like this in Finland and usually nothing happens to the protection status, especially if travelling has happened inside of EU and not in the country of origin. They are informed about their situation by the Border Guard, by the Police, or especially by the Finnish Immigration Service by asking about their individual situation.</p> <p>2. All the people residing in Finland are entitled to benefits based on their needs and a support application from the social security institution (Kela), more information from www.kela.fi.</p> <p>3. Housing, Financial, Job search, Education, Access to medical services</p> <p>4.</p>



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	<p>EMN REG Practitioners France</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. French authorities are not aware of such cases which should happen very rarely. 2. In France if a TCN holds a residence permit in another EU MS, s/he cannot benefit from the voluntary return / reintegration programme (managed by the French Office for Immigration and Integration - OFII). 3. 4. n/a
	<p>EMN REG Practitioners Hungary</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. There are no potential consequences on the protection status of the beneficiary in case of his/her return to Hungary from another EU MS. Recognition of refugee status shall be withdrawn only if the refugee has voluntarily re-availed himself/herself of the protection of the his/her country of origin according to point a) Section (2) Paragraph 11 of the Act LXXX of 2007 on Asylum. Recognition of subsidiary protection status shall be withdrawn only if the beneficiary of subsidiary protection has voluntarily re-availed himself/herself of the protection of his/her country of origin according to point a) Section (2) Paragraph 18 of the Act LXXX of 2007 on Asylum. 2. According to Section (1) Paragraph 10 of the Act LXXX of 2007 on Asylum: unless a rule of law or government decree expressly provides otherwise, a refugee shall have the rights and obligations of a Hungarian citizen with exceptions set out in Sections (2) and (3). According to Section 1) Paragraph 17 of the Act LXXX of 2007 on Asylum – except as set out in sections (2)–(4) –, unless a law or government decree expressly provides otherwise, a beneficiary of subsidiary protection shall have the rights and obligations of a refugee. A person who granted international protection status in Hungary, eligible for the same social and financial support as a Hungarian citizen. Information can be found from the family support service in the local district, from national and international NGOs and governmental institutions as well. As a matter of course, asylum and reception authority can also provide information about the available support.


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			<p>3. Financial, Job search, Education, Access to medical services,</p> <p>4. Financial support, for instance, family allowance, childcare allowance, unemployment benefit, etc. Non-financial support, for example, finding temporary or permanent accommodation, take part in a labour market program to find a job, Hungarian language course, etc.</p>
	EMN NCP Italy	Yes	<p>1. In Italy, within the context of AVR projects, migrants who apply and meet the requirements may return to their country of origin. This does not include return to any Member State that has already granted international protection.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>Housing Financial Job search Education Access to medical service Other</p>
	EMN REG Practitioners Latvia	Yes	<p>1. Regarding the protection status of the returning person – returning from another EU country has no impact on the granted protection status. Upon return travel documents and residence permits are renewed/prolonged. However, person may have duty to pay fine if validity of previously mentioned documents has expired already. There can be consequences regarding financial support and support from the social mentors as those who are granted protection status are entitled to receive support for the fixed time period. For more info please check:</p>


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			<p>https://www.pmlp.gov.lv/lv/assets/documents/BRO%C5%A0%C5%AARAS/ENG%20Patveruma%20mekletaji%20make%20WEB.pdf According to the current regulation, period of the granted support cannot be prolonged.</p> <p>2. According to the national system support and benefits are provided through the social services in municipalities. Upon return person should turn to the social service of his/her place of residence. Information regarding benefits provided by state you can find here: https://www.pmlp.gov.lv/en/assets/documents/patv%C4%93rums/Pabalsti%20patveruma%20mekletajiem_ENG.PDF Initial support and guidance returnees can receive from the NGO's.</p> <p>3. Housing, Financial, Job search, Education, Access to medical services</p> <p>4. With purpose to receive support person has duty to declare a place of residence in a municipality as financial support is provided through the social services in municipalities. Education as well is linked to the declaration of place of residence – generally education is provided by schools for the children declared in particular municipality. Access to the medical services is provided at the same level as for local people. For the job search person should go to the State Employment Agency (check https://begluintegracija.nva.gov.lv/en/) Initial support with housing issues can be provided by the NGO's as there doesn't exist particular "housing system" established by the government. Refugees (and their family members) are holders of permanent residence permits and they have right to receive social services and social assistance. Persons who have received subsidiary protection (alternative status) are entitled to receive a housing allowance (in the amount specified to the inhabitants of the relevant local government) and children have the right to receive social care services and the social rehabilitation services.</p>
	<p>EMN NCP Luxembou rg</p>	<p>Yes</p>	<p>1. The amended law of 18 December 2015 on international protection and temporary protection (Asylum Law) does not foresee explicitly this situation. According to article 40(4) of the amended law of 29 August 2008 on free movement of persons and immigration</p>


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			<p>(Immigration Law), the foreigner who has the intention to leave Luxembourg more than 6 months is obliged to hand over her/his residence permit and to report the departure at the local authority. If the person concerned has not fulfilled these obligations, s/he is punishable by a fine of 25 to 250 € according to article 139 (d) of the Immigration Law. If the residence permit has expired for more than 6 months the beneficiary of international protection will not be allowed to come back to Luxembourg. In accordance with article 47 (2) and 52 (1) and (4) of the Asylum Law the Minister may consider that the beneficiary of international protection that applies for international protection in another MS after having obtained the international protection of Luxembourg, can be considered as not being a refugee or stop needing the international protection of Luxembourg and in consequence can withdraw the international protection.</p> <p>2. No. There is no specific institution in Luxembourg that will support the return of the beneficiaries of international protection who apply for international protection in another Member State.</p> <p>3.</p> <p>4. N/A.</p>
	EMN REG Practitioners Netherlands	Yes	<p>1. In the Netherlands, beneficiaries of international protection (refugee status or subsidiary protection status) having lodged an application for international protection in another Member State can return to the Netherlands without further consequences and this, even if their residence permit has expired in the meantime, as long as the refugee status or subsidiary protection status has not been revoked, ended or refused to renew and that decision has become final.</p> <p>2. Beneficiaries of international protection fall under the responsibility of the municipalities in the Netherlands. The municipality provides for a house to live, social security benefits and integration courses for migrants who received international protection. Upon return from another member state to the Netherlands these beneficiaries therefore need to turn to the municipality for support. Also might these beneficiaries turn to the Central Agency for the</p>



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			<p>Reception of asylum seekers (COA) when they have not yet been allocated to a municipality.</p> <p>3. Housing, Financial, Job search, Education, Access to medical services</p> <p>4. To support them in their integration, they have the possibility to register at the Public Centre for Social Welfare (known as OCMW/CPAS) where they can benefit from financial, housing, education, job or medical support.</p>
	<p>EMN REG Practitioners Poland</p>	<p>Yes</p>	<p>1. There are no consequences on the protection status for potential returnees, beneficiaries of international protection.</p> <p>2. A foreigner who has received international protection in another country and has come to Poland may apply for assistance in voluntary return only if they have applied for international protection in Poland. For the duration of the procedure, the foreigner receives full social care (medical care, accommodation, education, language learning) provided by the Office for Foreigners and has the right to voluntary return also to the country where he/she was previously granted protection.</p> <p>3. Housing, Financial, Job search, Education, Access to medical services</p> <p>4. Beneficiaries of social assistance granted by the Head of the Office for Foreigners after receiving a decision granting international protection on the territory of the Republic of Poland (refugee status or subsidiary protection) shall stay under the care of the Social Assistance Department of the Office for two months (counting from the date on which the decision becomes final, pursuant to art. 74 sec. 1 item 2 in connection with sec. 2 item 3 of the Act on granting protection to foreigners on the territory of the Republic of Poland dated 13 June 2003). During this period, employees of centres for foreigners help in contacts with municipal family assistance centres, which, on the basis of the application for integration assistance submitted within 60 days of the decision becoming final, take over the care of the aforementioned. The assistance is granted to foreigners for a period not longer than 12 months and includes:</p> <ol style="list-style-type: none"> 1. cash benefits intended for payment of health insurance premium 2. maintenance, in particular to cover expenditure on food, clothing, footwear, personal hygiene measures and

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			<p>housing charges, 3. to cover expenditure related to the learning of the Polish language; 4. social work; 5. specialist counselling, including legal, psychological and family counselling; 6. providing information and support in contacts with other institutions, in particular with labour market institutions, local environment and non-governmental organisations; 7. other activities supporting the integration process of a foreigner.</p> <p>Assistance within the framework of an individual integration programme is agreed between a family assistance centre and a foreigner. Its amount, scope and form of assistance are determined on the basis of the individual life situation of the foreigner and his/her family. A foreigner may obtain information on this subject with the help of the employees of the Office for Foreigners, employees of Family Assistance Centres as well as on the website of this institution.</p> <p>If a foreigner has not submitted an application within 60 days from a decision becoming final or has left the country for a longer period of time without informing the family assistance centre, it is not possible to obtain benefits or to obtain them again.</p> <p>A foreigner who has received international protection in another country and has come to Poland may apply for assistance in voluntary return only if they have applied for international protection in Poland. For the duration of the procedure, the foreigner receives full social care (medical care, accommodation, education, language learning) provided by the Office for Foreigners and has the right to voluntary return also to the country where he/she was previously granted protection.</p>
	EMN REG Practitioners Slovakia	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN REG Practitioners	Yes	1. If a person has been granted protection in Sweden, he or she is free to visit another country. If the person visits the country from which he or she claims protection the protection-status may be revoked.

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	rs Sweden		<p>If someone with protection status visits another country and seeks protection there the Swedish authorities will not act. There are no consequences.</p> <p>2. The person can always apply to the social welfare service but will not be granted support.</p> <p>3.</p> <p>4. NA</p>
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