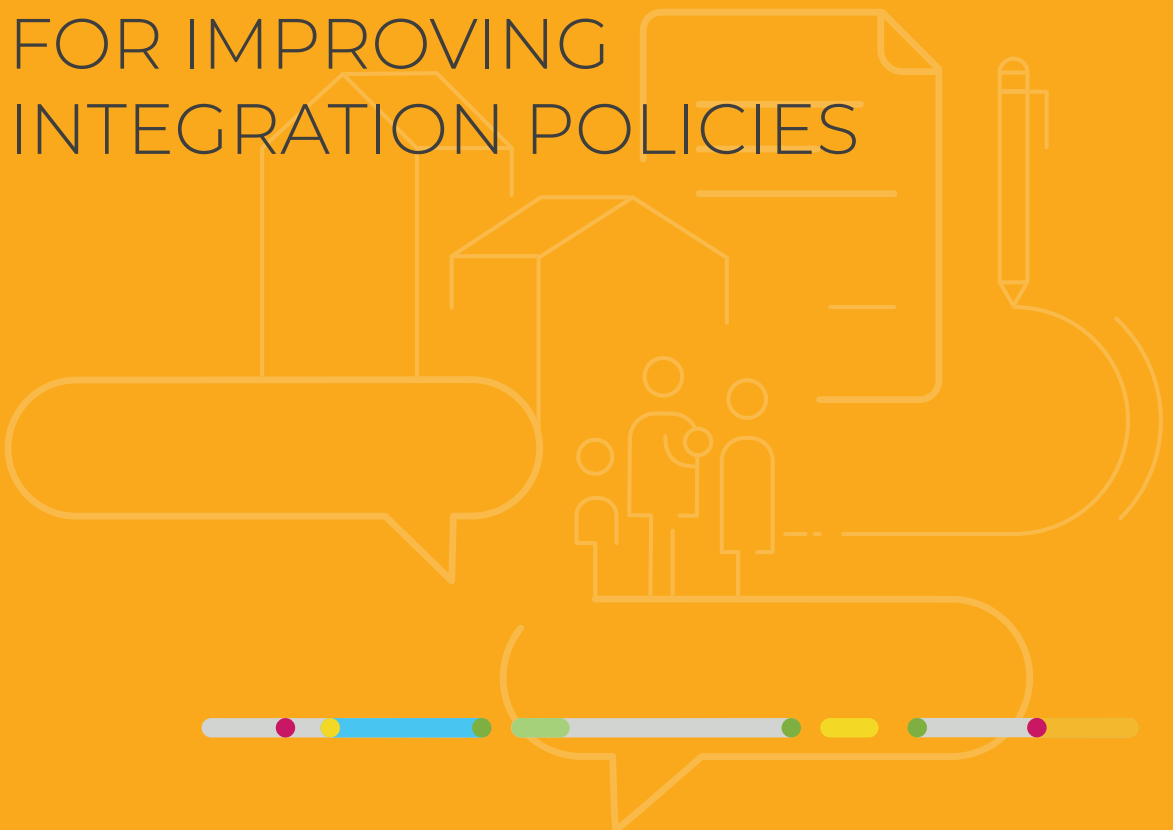


Carmine Conte

THE UNEVEN LEGAL AND POLICY FRAMEWORK FACING PERSONS WITH HUMANITARIAN STATUS IN EUROPE:

CURRENT GAPS AND
POSSIBLE SOLUTIONS
FOR IMPROVING
INTEGRATION POLICIES





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Executive summary

- ✓ This National Integration Evaluation Mechanism (NIEM)'s study provides evidence on the quality of the frameworks in place to support the long-term integration of humanitarian status holders in 10 countries.
- ✓ The EU legal framework does not include specific provisions to regulate humanitarian protection which mainly falls under the competence of national law.
- ✓ Lack of common standards on humanitarian protection in the Member States may result in lower and different levels of protection for humanitarian status holders in comparison with other groups of beneficiaries of international protection.
- ✓ Eurostat data point out a five-fold increase in the number of national protection statuses granted between 2010 and 2018 in Europe.
- ✓ The number of asylum seekers granted protection in 2019 included 141,100 grants of refugee status (47% of all positive decisions), 82,100 grants of subsidiary protection (28%) and 72,700 grants of humanitarian protection (25%).
- ✓ This study highlights that the quality of integration laws and policies for humanitarian status holders differs significantly across the countries assessed.
- ✓ The NIEM indicators show that humanitarian status holders generally enjoy less favourable legal conditions than refugees and beneficiaries of subsidiary protection.
- ✓ On a 0 to 100 scale, legal indicators generally score better across the dimensions related to socio-economic and sociocultural integration than socio-legal integration. The most favourable results have been found in the dimensions of education (86.3), vocational training (80), employment (63), health (77.9), housing (58.3) and social security (52.5). The lowest scores have been achieved in the areas of residency (28.8), citizenship (33.4), family reunification (47) and language learning (41.7).
- ✓ Humanitarian protection holders are usually included in the national health care system and enjoy the same coverage as nationals; they also have access to primary/secondary education and to post-secondary/ tertiary education on equal basis with nationals.
- ✓ Very restrictive legal frameworks are in place to apply for residency permits. Most of the Member States provides only short residence permits and humanitarian protection holders are often not eligible at all for long-term or permanent residence permits.
- ✓ Policies for the integration of people under humanitarian status are also less favourable than those put in place for refugees and beneficiaries of subsidiary protection. The lowest results have been obtained in the areas of citizenship (20), vocational training (35.6), housing (34.5) and employment (39.6), where humanitarian status holders face the major challenges to full integration.
- ✓ Administrative obstacles jeopardise access to education for humanitarian status holders. Orientation and language programmes and targeted education measures are very rare and most countries fail to introduce publicly funded language courses and language tuition.
- ✓ Member States seem to be reluctant to adopt inclusive policies for the long-term integration of humanitarian status holders, who often have a very precarious legal status and are unable to settle down in the country.

Part I

1. Introduction: what is humanitarian protection?

The EU legal framework lacks specific provisions to regulate the issue of humanitarian protection which mainly falls under the competence of national law. Humanitarian protection can be considered as a form of 'non-EU harmonised protection' which covers a wide range of different situations and offers a form of protection that is complementary to the traditional EU statuses. Before the adoption of the EU asylum acquis, some Member States already provided domestic forms of complementary protection which remain in place even after the harmonisation of the EU asylum system.¹ EU member states are, however, obligated to harmonise their legislation concerning refugee status, subsidiary protection and temporary protection under the EU area of Freedom, Justice and Security according to the Qualification Directive Directive (2011/95/EU) and the Temporary Protection Directive (2001/55/EC).²

Humanitarian protection is also not defined under international, but is complementary with the protection regime established for refugees under the 1951 Convention/1967 Protocol. The UNHCR's Executive Committee clarified that complementary protection outside the scope of the 1951 Convention should be granted when 'a need for international protection arises where such protection is lacking, either as a matter of law or as a matter of fact, with the result that basic human rights are seriously at risk. Such a situation typically comes about in relation to persecution, threats to life and personal security, armed conflict, serious public disorder or other man-made disasters'.³

In those EU Member States where a form of humanitarian protection exists, it covers individuals who are found as being not eligible for international protection as defined in the Qualification Directive. The criteria (e.g. risk of torture, infirmity in old age, etc.) to identify the scope of humanitarian protection differ in domestic legislations and often lead to confusion with the concept of temporary protection, which merely refers to a short-term emergency response to a significant influx of asylum seekers. This form of national protection covers a broad variety of situations and circumstances identified by national political and judicial authorities. However, the grounds of protection are difficult to define and assess given the wide margin of discretion left to competent authorities when deciding who is eligible to access humanitarian status. This legal uncertainty and fragmentation pose relevant obstacles for applicants to properly lodge a claim for national protection. Restrictive emerging policies on humanitarian protection at a national level also put people at a higher risk of ending up in an irregular situation. This may be the result of asylum applications being rejected, the

¹ Liv Feijen, Filling the Gaps? Subsidiary Protection and Non-EU Harmonized Protection Status(es) in the Nordic Countries, *International Journal of Refugee Law*, 2014, Vol. 26, No. 2, 173–197.

² Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L337/9 (Qualification Directive); Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L212 (Temporary Protection Directive).

³ UNHCR, 'Providing International Protection Including Through Complementary Forms of Protection': EC/55/SC/ CRP.16 (2 June 2005) para 2. See also UNHCR, 'Complementary Forms of Protection: Their Nature and Relationship to the International Refugee Protection Regime': EC/50/SC/C (9 June 2000).

refusal to renew humanitarian protection once it expires or the issue of precarious and short-term residence permits.⁴

In addition, the lack of common standards for the regulation of humanitarian protection in Member States may result in different levels of access to rights and support towards integration for humanitarian status holders in comparison with other groups of beneficiaries of international protection. Existing research suggests that granting non-harmonised status create 'double standards within the EU's international protection system where people receiving a national protection status may have access to fewer rights than those receiving an international protection status'.⁵

Although existing Eurostat data reported by the European Migration Network outline a five-fold increase in the number of national protection statuses granted between 2010 and 2018 in Europe, research on the integration of humanitarian status holders is still very scarce.⁶ This NIEM in-depth study tries to fill this gap by investigating to what extent national laws and policies meet the integration needs of humanitarian status holders. To do so, it will focus on data collected in 2019 and will show relevant scores referring to those 10 countries that have participated in this study and have at least one national protection status.

NIEM research aims at helping governments, civil society and other stakeholders to identify gaps in the integration policies of their country, take inspiration from other EU Member States and improve the integration framework. Based on defined indicators, its results can serve as a roadmap towards comprehensive integration policies in each of the countries involved. The comparative results of NIEM's 2019 round of monitoring with regard to humanitarian protection are intended to inform NIEM's outreach to authorities, civil society and experts and to stimulate debate on how to reform integration policies based on evidence.

This report:

- **presents key 2019 data** as they are reflected in the scored outcome of research conducted in the 10 assessed countries;
- shows **general results regarding legal and policy indicators** pointing out the main trends and weakness across all the countries;
- presents in detail **key results in three macro-dimensions analysed** (legal-status integration, socio economic and socio cultural integration).

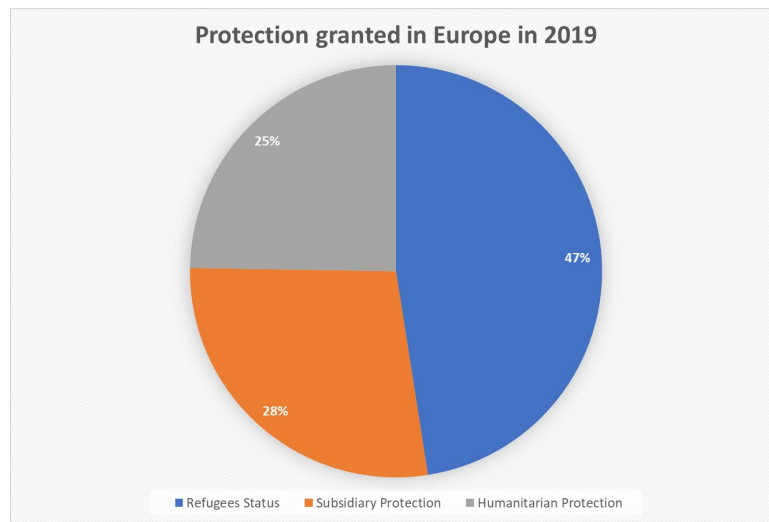
⁴ Matteo Villa, The New Irregulars in Italy, 18 December 2018, available at: <https://www.ispionline.it/en/pubblicazione/new-irregulars-italy-21813>

⁵ MPI & ICF, Study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU, including resettlement, study written for the European Commion (Luxembourg: Publications Office of the European Union, 2018).

⁶ European Migration Network, Synthetic Report, Comparative overview in national protection statues in Europe and Norway (2020). This Synthesis Report has been produced by the European Migration Network (EMN), which comprises the European Commission, its Service Provider (ICF) and EMN National Contact Points (EMN NCPs).

2. Data on humanitarian protection in 2019

In 2019, according to Eurostat, the EU granted protection status to 295,800 asylum seekers and received 21,200 resettled refugees.⁷ The number of protection status granted on humanitarian grounds represented a relevant portion of the total number of positive decisions on asylum applications in 2019. The number of asylum seekers granted protection included 141,100 cases of refugee status (47% of all positive decisions), 82,100 cases of subsidiary protection (28%) and 72,700 cases of humanitarian protection (25%). It is worth noting that Eurostat data only refer to those individuals who have previously applied for international protection and this may lead to a significant underreporting of humanitarian protection cases in Europe.

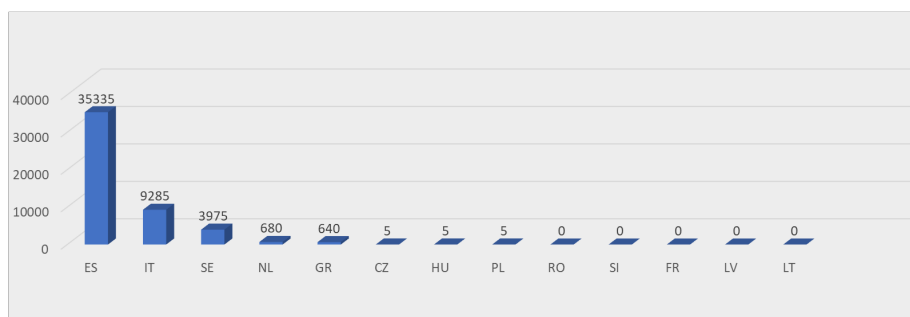


Considering the positive decisions on humanitarian grounds handed down only in the Member States covered by this NIEM study, Eurostat 2019 data show the emergence of three typologies of countries:

- countries having a **significant amount of positive decisions** concerning humanitarian status holders: Spain (35 335), Italy (9 285), Sweden (3 975), the Netherlands (680), and Greece (640);
- countries with a very **low number of humanitarian status holders**: Czech Republic (5), Hungary (5) and Poland (5);
- countries with **no decisions made on humanitarian reasons**: Bulgaria, France, Latvia, Lithuania, Romania and Slovenia.

⁷ Eurostat, Asylum decisions in the EU - EU granted protection to almost 300 000 asylum seekers in 2019, April 2020 available at: <https://ec.europa.eu/eurostat/documents/2995521/10774018/3-27042020-AP-EN.pdf/b8a85589-ab49-fdef-c8c0-b06c0f3db5e6>

Number of positive decisions on humanitarian grounds
in NIEM countries



As suggested by the European Migration Network, available Eurostat data show that the number of statuses granted on humanitarian grounds steadily increased between 2010 and 2018 in Europe. Throughout this period, Italy and Germany issued the highest amount of humanitarian statuses, while in 2019 Spain represented the country that released most positive decisions based on humanitarian grounds, almost 50% of the total number of decisions in Europe. This is the result of an ad-hoc policy approved in early 2019 by the Ministry of Interior that decided to grant a temporary residence permit for humanitarian reasons for international protection for a period of one year (extendable) to Venezuelan nationals whose applications for international protection have been rejected. This decision notably increased the number of Venezuelan nationals that were granted protection on humanitarian grounds in Spain.⁸

⁸ "En la reunión de la Comisión Interministerial de Asilo y Refugio (CIAR) correspondiente al mes de febrero, se ha propuesto la concesión de una autorización de residencia temporal por razones humanitarias de protección internacional de un año de duración, prorrogable, a ciudadanos de nacionalidad venezolana cuyas solicitudes de protección internacional hayan sido denegadas." Information available at: <https://www.cear.es/wp-content/uploads/2019/03/OAR-Nota-RRHH-febrero.pdf>

3. Definitions of humanitarian protection in 14 NIEM countries

Bulgaria

Bulgarian law enshrines a clear definition of humanitarian status that is granted to an alien who has been compelled to leave or remain outside the state because in this state he/she is exposed to a real risk of heavy encroachments, such as: 1. sentence to death or execution; 2. torture or inhuman or humiliating attitude or punishment; 3. heavy and personal threat to his/her life or his/her personality as a civilian due to violence in case of internal or international armed conflict. Humanitarian status may also be granted for other humanitarian reasons, as well as on the grounds listed in the Conclusions of the Executive Committee of the United Nations High Commissioner for Refugees.

Czechia

The law sets out that humanitarian protection covers those individuals who cannot return to the country of origin because of serious threat of his/her health or life and cannot apply for refugee or subsidiary protection status (e.g. a person with leukaemia from a country that fail to provide decent health treatment).

France

No legal or policy framework is in place for humanitarian protection.

Greece

Article 19 και 19A of Law 4251/2014 (Code of Immigration) regulates the granting of residence permits to third country nationals based on exceptional or humanitarian reasons. The Appeals Committees following a final negative decision on an application for international protection may refer the case to the relevant immigration authorities for the awarding of the humanitarian status of Article 19A of Law 4251/2014 based on the procedure of Article 67 of Law 4375/2016.

The humanitarian status can be granted, inter alia, to victims of human trafficking, victims of racist violence and discriminatory treatment, victims of labour exploitation, victims of domestic violence, rejected asylum seekers at risk of been subjected to inhuman or degrading treatment according to Article 3 of the European Convention on Human Rights, ill persons, victims of occupational accidents, addicted persons under therapy, minors, etc.

According to Article 67 of Law 4375/2016, humanitarian protection has now been repealed. This provision applies to all decisions granting humanitarian protection published from 1/1/2020 onwards.

Hungary

Hungarian law defines those individuals who are issued a humanitarian residence permit. Under Section 29 of Act II of 2007, humanitarian residence permits may be issued to the following third-country nationals: a) stateless persons, b) persons authorised to stay (tolerated persons), c) applicants for international protection, d) unaccompanied minors (who are not granted international protection), e) those third-country nationals who cooperate with the law-enforcement authorities in fighting serious crime, f) victims of trafficking in human beings, g) those third-country nationals against whom an expulsion order was issued but later withdrawn by the migration authority, if they cooperate with the migration authority, fulfil their reporting obligations.

In addition, Hungarian asylum legislation (Act LXXX of 2007 on Asylum) specifically defines 'persons authorised to stay' (tolerated persons). Under Section 25/A of the Act, the Hungarian asylum authority shall grant protection in the form of tolerated stay (befogadott) to a foreigner not complying with the criteria for recognition as refugee or beneficiary of subsidiary protection but, in the event of his/her return to the country of origin, she/he would be exposed to a risk of persecution for reasons of race, religion, ethnicity, membership of a particular social group or a political opinion or to behaviour as specified in Article XIV (2) of the Fundamental Law, and there is no safe third country to admit him/her. The refugee authority shall recognise as a person with tolerated stay the individual with regard to whom it a) established the prohibition of refoulement in the alien policing procedures, or b) rejected the application for asylum, parallel with the establishment of the prohibition of refoulement. (2) The refugee authority shall review the criteria for recognition as person with tolerated stay on an annual basis.

Italy

A new law introduced in 2018⁹ has stated the abrogation of general humanitarian protection¹⁰ and in place of this, it has introduced special residence permits, recognised on specific grounds: a permit for medical reasons, valid for a maximum of 1 year (the duration is established according to the need of each person); a residence document for "exceptional natural disasters", valid for six months; a residence permit for "exceptional civil acts", lasting two years; a one year (renewable) residence permit for "special protection" to protect migrants from the risk of torture or persecution (in accordance with the principle of non-refoulement); and a residence permit valid for up to six months to one year for other special cases (social protection, victims of domestic abuse, victims of labour exploitation). However, permits for humanitarian protection recognized before the 5th October 2018 (date of entry into force of D.L. 113/2018) continued to be valid for two years.

On 21 October 2020, Decree-Law n.130/2020 was officially adopted which amends the security decrees of 2018 and includes significant provisions in the field of immigration, international and complementary protection. In particular, the new Decree-Law 130/2020 specifies that the

⁹ Art 1, Decreto legge 113/2018.

¹⁰ General humanitarian protection was introduced by the D.lgs. 286/1998, Italian Immigration Act, Article 5 par.6. This provision, now modified, stated that: "Refusal or revocation of a residence permit may be adopted on the basis of international conventions or agreements (...) unless there are serious reasons, in particular of a humanitarian nature or resulting from the constitutional or international requirements of the Italian State."

refoulement or expulsion of a person is not admitted when there are good reasons to believe that the removal from the national territory involves a violation of the right to respect for their private and family life, unless that it is necessary for national security reasons, public order and safety as well as health protection. It also states that the nature and effectiveness of the family ties of the person concerned, their effective social insertion in Italy, the duration of their stay on the national territory as well as the existence of family, cultural or social ties with their country of origin, has to be taken into account.¹¹

Latvia

No legal or policy framework is in place for humanitarian protection.

Lithuania

According to the Law on Legal Status of Aliens (Art. 2 (7)), humanitarian reasons mean “an illness, other acute health impairment or condition, personal reasons which an alien could not foresee and avoid, force majeure due to which the alien is unable to leave the Republic of Lithuania”.¹²

Netherlands

Dutch legislation distinguishes between temporary humanitarian protection and non-temporary humanitarian protection, but does not provide a comprehensive definition of humanitarian protection.

The grounds for granting temporary protection are: honour-related and domestic violence; victims of and witnesses reporting human trafficking; foreign nationals who are unable to leave the Netherlands through no fault of their own; unaccompanied minors who are unable to leave the Netherlands through no fault of their own; remigration pursuant to Section 8 of the Remigration Act; transitional law in response to amendment of policy for unaccompanied minors as of 1 June 2013; residence pending a request pursuant to Section 17 of the Netherlands Nationality Act; medical treatment; westernised school pupils; placement in a foster family or institution in the Netherlands on the basis of the 1996 Hague Convention on the Protection of Children; residence of foreign nationals in the terminal phase of an illness; residence as a minor with a child protection order;

¹¹ Permits to stay are now granted for the duration of two years and are renewable, subject to a favourable opinion by the Territorial Commission, and changeable in labour residence permits. D.L. 130/2020 has extended the duration and the convertibility into residence permits for work purposes of different types of residence national permits. In particular: - special protection: valid for 2 years (before was 1 year only), renewable and convertible into work permit; - protection for natural disasters /calamities: valid for 1 year (before was 6 months), renewable if the requirements continue to exist, convertible into work permit; - health protection: valid for a maximum of 1 year, renewable if the requirements continue to exist; - special cases for social protection: 6 months, renewable and convertible into work permit; - special cases for victims of domestic violence: 1 year, convertible into work permit; - special cases for labour exploitation: 6 months, convertible into work permit; - permit for acts of particular civil value: 2 years, renewable, convertible into a work permit.

¹² Seimas of the Republic of Lithuania (2004). Republic of Lithuania Law on Legal Status of Aliens, no. IX-2206, 29 April 2004, version valid from 1 March 2021, available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>

residence as a protected witness in a protection programme of the National Police Force. These are laid down in Division B8 of the Vreemdelingencirculaire 2000 (Aliens Circular 2000).

The following grounds of residence are considered for non-temporary protection: Former Dutch nationals; Foreign nationals who cannot leave the Netherlands through no fault of their own; Return option pursuant to Section 8 of the Remigration Act; Return option (foreign nationals under age); Settlement of Final Settlement of Long-Term Residing Children; Residence permit after previous residence as a minor within the framework of residence as a family member or member of the family; Residence permit after residence as a family member or member of the family; After residence as a victim of human trafficking who cannot or does not want to report this; After residence as a victim of (threatened) honour-related violence or (threatened) domestic violence; After residence as a victim or reporting victim of human trafficking; After residence as a reporting witness of human trafficking; Private life as referred to in Article 8 of the ECHR; Placement in a foster family or institution at the request of another country on the basis of the 1996 Hague Convention on the Protection of Children; Residence as a minor with a child protection measure; Residence as a protected witness in a protection programme of the National Police Force. These are laid down in Division B9 of the Vreemdelingencirculaire 2000.

Poland

According to Articles 348-350 of the Aliens Act of 12 December 2013, the foreigner shall be granted a permit to stay on the territory of the Republic of Poland for humanitarian reasons, if obliging them to return:

1) may result only in going to a country where, according to the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950:

- a) their right to life, freedom and personal safety would be endangered or
- b) they could to be subjected to torture, inhuman or humiliating treatment or punishing, or
- c) they could be forced to work, or
- d) they could be deprived of the right to a reliable trial or punished without the legal basis,

or

2) would breach their right to family or private life, as defined by the regulations of the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on 4 November 1950, or

3) would breach the child's rights, defined in the Convention on the Rights of a Child, adopted by the General Assembly of the United Nations on 20 November 1989, and thus substantially pose a threat to their psychophysical development.

Romania

No specific legal or policy framework is in place for humanitarian protection.

Slovenia

No legal or policy framework is in place for humanitarian protection.

Spain

Article 126 of the Implementing Regulations of the [Ley de Extranjería](#) details the cases for which temporary residence may be granted for humanitarian reasons. These are: i) Being a victim of the crimes specified in articles 311 to 315, 511.1 and 512 of the Penal Code, of crimes in which the aggravating circumstance of commission for racist, anti-Semitic or other types of discrimination defined in Article 22.4 of the Penal Code has occurred, or of crimes for violent conduct exercised in the family environment, provided that a final judicial resolution of the judicial procedure has been established; ii) Proof of suffering a serious illness that requires specialised health care, not accessible in the country of origin, and that the fact of being interrupted or not receiving it poses a serious risk to health or life; iii) Proof that the transfer of the person to the country from which he or she originates or comes from, for the purposes of requesting the corresponding visa, implies a danger to their safety or that of their family, and that they meet the other requirements to obtain a temporary authorization of residence or residence and work.¹³

Sweden

According to Swedish law,¹⁴ a person is in need of humanitarian protection when he or she, due to external or internal armed conflict or other difficult conflicts in the home country, feels a well-founded fear of being subjected to serious abuse, or is unable to return to his or her home country due to environmental disaster. Since the enforcement of the temporary law in 2016, persons in this humanitarian protection category do not have the right to asylum in Sweden. On July 20, 2021, the Swedish migration legislation has been changed and humanitarian protection has been reinstated (Regeringens proposition 2020/21:191).¹⁵

¹³ In Spain, a person under humanitarian protection is a person who is granted a temporary residence (of normally one year) for exceptional circumstances based on humanitarian reasons. This person will be a temporary resident with a foreigner's identity card issued by the Spanish government.

¹⁴ Bill 2013/14:216; Prop. 2004/05:170; MIG 2009:31.

¹⁵ The bill proposes amendments to the Aliens Act (2005: 716), available at: <https://www.regeringen.se/rattsliga-dokument/proposition/2021/04/prop.-202021191/>

Part II

4. NIEM methodology

4.1 Scope of comparison

The National Integration Evaluation Mechanism (NIEM) provides evidence on the quality of the frameworks in place to support the long-term integration of beneficiaries of international protection (BIPs) in receiving countries.¹⁶ NIEM indicators differentiate between recognised refugees, beneficiaries of subsidiary protection, resettled refugees, persons under temporary protection, and persons under humanitarian protection.

The NIEM analysis in 2019 includes 14 countries: Bulgaria (BG), Czechia (CZ), France (FR), Greece (GR), Hungary (HU), Italy (IT), Latvia (LV), Lithuania (LT), Netherlands (NL), Poland (PL), Romania (RO), Slovenia (SI), Spain (ES) and Sweden (SE). While not covering the entire EU, the sample of 14 countries participating represents the full scale of experiences and challenges found in the Union with regard to the integration of different groups of beneficiaries of international protection.

4.2 NIEM dimensions and steps

NIEM's goal is to evaluate and compare the framework for the integration of beneficiaries of international protection along a number of stepping-stones governments must take to achieve a comprehensive approach to integration¹⁷. NIEM's indicators that specifically ask for the conditions in place for beneficiaries of humanitarian protection include legal and policy indicators:

- **Step: Setting the Legal Framework:** This building block of a comprehensive approach to integration of BIPs refers to the legal standards which a country needs to comply with to ensure the most supportive legal framework. Across the various dimensions, the step includes indicators on types and duration of residence permits; conditions for obtaining long-term residence, family reunification and citizenship; and access to rights, services, benefits and entitlements across different policy areas/dimensions.
- **Step: Building the Policy Framework:** This stepping-stone refers to the policies, rules and arrangements that a country needs to put in place to support the integration of beneficiaries in all relevant policy areas. Across the various dimensions, the step includes indicators on the availability, scope and duration of targeted provisions and services; provisions for special needs groups and needs-based criteria for the allocation of goods and services; administrative barriers; fees for long-term residence, family reunification and citizenship; and awareness-raising/information for stakeholders and beneficiaries.

¹⁶ Wolffhardt A., Conte C. and Huddleston T. (2019), 'The European benchmark for refugee integration: a comparative analysis of the national integration evaluation mechanism in 14 EU countries'. NIEM Baseline Publication [online]. Available from: <https://www.migpolgroup.com/wp-content/uploads/2019/06/The-European-benchmark-for-refugee-integration.pdf>

¹⁷ Wolffhardt A., Conte C. and Huddleston T. (2019), 'The European benchmark for refugee integration: a comparative analysis of the national integration evaluation mechanism in 14 EU countries'. NIEM Baseline Publication [online]. Available from: <https://www.migpolgroup.com/wp-content/uploads/2019/06/The-European-benchmark-for-refugee-integration.pdf>

The indicators rely on the highest European and international normative standards on asylum, migrant integration and human rights. The normative framework from which indicators are derived comprises EU legal standards, EU policy standards and international legal standards:

- **EU legal standards:** Charter of Fundamental Rights of the European Union, Qualification Directive, Family Reunification Directive, Reception Conditions Directive;
- **EU policy standards:** Common Basic Principles for Immigrant Integration Policy, Commission Communication on guidance for application of the Family Reunification Directive;
- **International legal standards:** Geneva Convention relating to the Status of Refugees, Universal Declaration of Human Rights, European Convention on Human Rights, UN Convention on the Rights of the Child, European Convention on Nationality;

The indicators are formulated as questions to assess and evaluate to what extent national integration frameworks meet such benchmarks. The NIEM dataset is generally composed of 173 indicators covering different macro-areas of integration including general conditions, legal integration, socioeconomic integration, and sociocultural integration.¹⁸ Each of these areas contains a series of dimensions, in some cases reflecting sectoral policy areas, and each dimension comprises a specific set of indicators. The 13 dimensions assessed are:

General conditions

- Impact of reception on integration
- Mainstreaming

Legal integration

- Residency
- Family unity and reunification
- Access to citizenship

Socio-economic integration

- Housing
- Employment
- Vocational training and employment-related education
- Health
- Social security

Socio-cultural integration

- Education
- Language learning and social orientation
- Building bridges

4.3 NIEM special focus on humanitarian protection

This study will show key findings and scores regarding the integration of humanitarian status holders in the relevant countries assessed in the NIEM project in 2019. All data refer to the legal and other policy provisions in place as of 31 March 2019.

¹⁸ Garcés-Masareñas B and Penninx R (2016), Integration processes and policies in Europe: Contexts, levels and actors; Huddleston T, Bilgili O, and Vankova Z (2015), 'Migrant Integration Policy Index 2015', Migration Policy Group, CIDOB <http://www.mipex.eu/>; Burkin, K., Huddleston, T. & Chindea, A. (2014), Refugee integration and the use of indicators: Evidence from Central Europe, UNHCR Regional Representation for Central Europe.

For the scope of this study, only the results concerning **Bulgaria, Czechia, Greece, Hungary, Italy, Lithuania, the Netherlands, Poland, Spain and Sweden** have been taken into account and scored, given that these countries enshrine a specific legal framework for the protection of humanitarian protection holders (hereafter referred to as HPH). On the contrary, in **France, Latvia, Romania and Slovenia**, there is no tailored framework for people in need of humanitarian protection and therefore these countries have not been included in the comparative analysis.

In Evaluation 1, for the first time NIEM has assessed provisions for persons under humanitarian protection. Data have been collected for this category across almost all NIEM dimensions, with the only exceptions of 'impact of reception on integration', 'mainstreaming' and 'building bridges', where no relevant indicators for HPH have been developed. **In total, 76 legal and policy indicators (or indicator components) have been examined and scored in 10 dimensions.** It is worth noting that the implementation/collaboration step has also been excluded from this assessment because of the lack of indicators referring to HPH. On this matter, further research is certainly needed.

Assessment and scoring

NIEM applies a standardised questionnaire and assessment based on a scoring system in order to ensure a valid and robust evaluation of results that allows for cross-country comparison.¹ Each indicator is formulated as a specific question relating to a different aspect of refugee integration. For most indicators, there are a number of alternative answer options reflecting different policy options. The first option is based on favourable terms, while the successive options generally represent less favourable or unfavourable provisions. Points are assigned to each policy option, with 100 points awarded to the most favourable and 0 to the least favourable options. Depending on the number of alternative answer options, scores are assigned along a scale from 0 to 100 (for example, when there are three options, scores of 0, 50 or 100 are assigned, while when there are six options, scores of 0, 20, 40, 60, 80 and 100 are assigned, respectively).

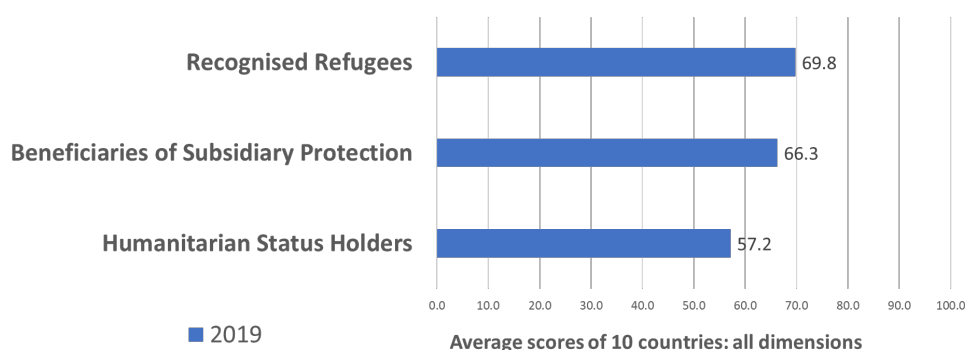
For the remaining indicators analysed (mostly asking for absolute figures or percentages), special scoring rules have been developed based on the available data and benchmarks set against the normative framework in use. The specific scoring rules for each indicator are provided, together with the full questionnaire, on the NIEM website (www.forintegration.eu).

For a score to be assigned (to an indicator) and eventually aggregated (for a dimension), simple averages are used. Data gathering involves practitioner interviews in the government and civil society realms, desk research and analysis. Expert focus groups and surveys may be used to gain additional insights. After validation and verification on the national level, the data are submitted and processed by NIEM's transnational research partner. Data are screened from a comparative point of view and further validated in clarification loops with the national researchers before scoring and comparative analysis.

The final scores related to each country resulting from this targeted analytical focus on HPH differ from the scores showed in NIEM baseline and Evaluation 1 reports. This is due to the fact that only those 76 indicators which specifically target HPH have been scored and then compared to the results on the integration of refugees and beneficiaries of subsidiary protection. In addition, the overall average scores cover only 10 countries instead of 13 as in the other NIEM reports.

5. The integration of persons with humanitarian status in Europe

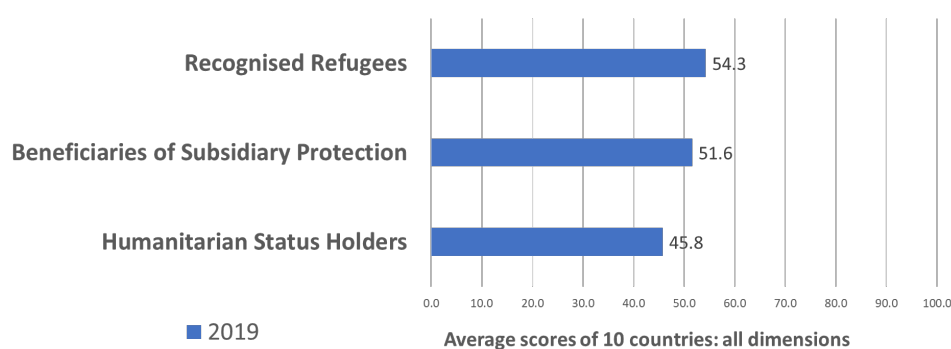
5.1 Step Legal Framework: unfavourable conditions for humanitarian status holders



The NIEM indicators assessing the legal framework in 10 countries show that humanitarian status holders generally enjoy less favourable conditions than refugees and beneficiaries of subsidiary protection. Access to rights, services, benefits and entitlements is highly limited in all the dimensions in comparison with other groups of beneficiaries of international protection. The lowest scores have been found in the areas of residency (30), citizenship (32.1), family reunification (46.8) and language learning (39.2). Better results have been found in the dimensions of education (86.3), vocational training (85), employment (63), health (77.9) housing (58.3) and social security (53).

The legal framework for humanitarian status holders is not homogenous and differs in the Member States. The comparative analysis shows that in six countries such as **Bulgaria, Czechia, the Netherlands, Poland, Spain and Sweden**, the same legal provisions applies to HP holders as for RR and BSP, with some exceptions across the different dimensions. By contrast, in **Greece, Hungary, Italy and Lithuania**, the legal provisions are less favourable for them in comparison with other categories of beneficiaries of international protection. In **France, Latvia, Romania and Slovenia**, there is no tailored framework for people in need of humanitarian protection.

5.2 Step Policy Framework: a lack of inclusive policies regarding long-term integration



Policies for the integration of people under humanitarian status are less favourable than those put in place for refugees and beneficiaries of subsidiary protection. This result seems to highlight that Member States are more reluctant to adopt inclusive policies for the long-term integration of this group of individuals, who often have a very precarious legal status and are unable to settle down in the country.

NIEM results show that policies are more restrictive for this group in all the dimensions and the lowest results have been obtained in the areas of citizenship (20), vocational training (34.5), housing (34.7) and employment (38.4), where humanitarian status holders face the major challenges to full integration.

The policies for the integration of humanitarian status holders are almost similar to those applied to RR and BSP in **Bulgaria, Czechia, Greece, Italy, Netherlands and Poland**. By contrast, in Hungary, **Lithuania, Spain and Sweden** they are even more restrictive than for the other beneficiaries of international protection. In **France, Latvia, Romania and Slovenia**, policies for this group are not in place at all.

The report will now show the results related to humanitarian status holders in relation to the different socio-legal, socio-cultural and socio-economic dimensions assessed under NIEM.

5.3 Key results in three dimensions

5.3.1 Legal-status integration: residency, family reunification and citizenship

Residency

Assessed indicators in the residency dimension

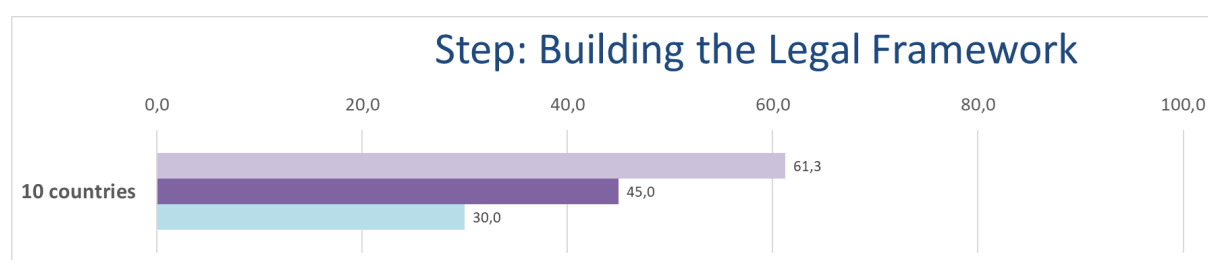
Step: Setting the Legal Framework

- Type and duration of residence permit upon recognition
- Renewal of residence permit
- Residency requirements for granting permanent/long-term residence
- Facilitated conditions for vulnerable persons applying for permanent/long-term residence

Step: Building the Policy Framework

- Administrative barriers to permanent/long-term residence
- Fees for obtaining permanent/long term residence

Legal step

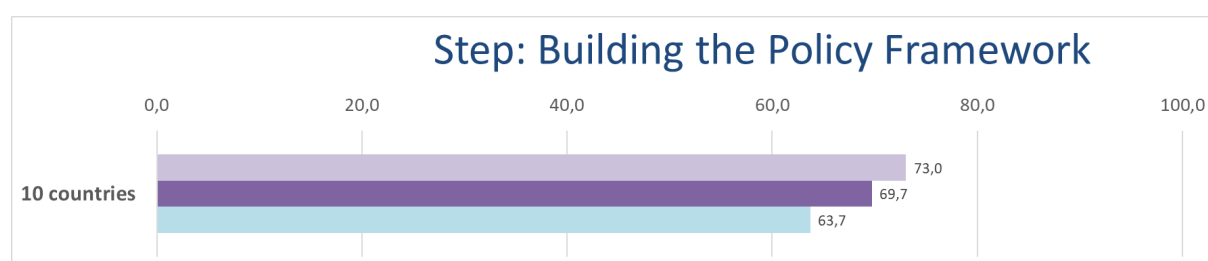


	2019 Recognised Refugees
	2019 Beneficiaries of Subsidiary Protection
	2019 Humanitarian status holders

In the area of residency, most of the Member State provides a residence permit valid for less than 3 years for humanitarian status holders and the permit is renewed only upon application if additional requirements are met. They are also often not eligible for long-term or permanent residence permit.

Only **Bulgaria** (37.5), **Czechia** (100), **Netherlands** (50), **Poland** (50) and **Sweden** (37.5) guarantee better residency rights to humanitarian protection status holders. For instance, Czechia provides the most favourable legal framework for this group as the state ensures a residence permit valid for at least 5 years and the renewal is done automatically. In the Netherlands instead the residence permit is valid for at least 5 year, but it is renewed upon application if additional requirements are met.¹⁹ In Poland, the beneficiaries of humanitarian protection are granted a residence card, valid for 2 years, that is renewed upon simple application.

Policy step



	2019 Recognised Refugees
	2019 Beneficiaries of Subsidiary Protection
	2019 Humanitarian status holders

Spain (100) provides the most favourable policies for the integration of HPH, because once the international protection is recognised, there are no administrative barriers to obtain the residence permit and there are no fees during the procedure. However, it is worth noting that de facto humanitarian protection is only granted to Venezuelan citizens since 2019 in Spain.

¹⁹ In the Netherlands, a residence permit based on temporary humanitarian grounds is valid only for one year and can be renewed (for another year) upon application if additional criteria are met. On the contrary, a residence permit based on non-temporary humanitarian grounds is valid for five years and can be renewed (for another five years) upon application if additional criteria are met.

On the other hand, the required documentation to apply for a residence permit is very hard to obtain in **Bulgaria** (40.2), **Greece** (67), **Hungary** (53.2)²⁰ and **Lithuania** (83.5). In **Czechia** (83.3) and **Sweden** (83.5), the waiting time for residency permit is very long (in Sweden, the average duration for first time applicant is 507 days and for extension of the permit 100 days), but there are no burdensome fees applied. In **Poland** (63.3), although there are no administrative barriers to apply to permanent/long-term residence, HPH are required to pay fees during the procedure for first-time residence permits and renewed residence cards.

Italy (16.6) encompasses the most restrictive policies for HPH as a result of the abrogation of general humanitarian protection in 2018. The residence permits for general humanitarian protection is not renewable anymore on humanitarian grounds, but it can be converted in other permits (e.g. the permit for special cases) even if the circumstances for which the permit was originally granted still exist. Therefore, unless the beneficiary is granted a conversion of his or her humanitarian permit into a work or study permit, or he or she falls under the new special cases listed in the decree law, he or she will find him/herself in an irregular situation and at risk of expulsion.

²⁰ In Hungary, valid travel documents are also very hard to obtain for beneficiaries of humanitarian protection. In addition, discretionary decisions from the immigration authority are significant obstacles for those who are able to apply.

Assessed indicators in the family reunification dimension

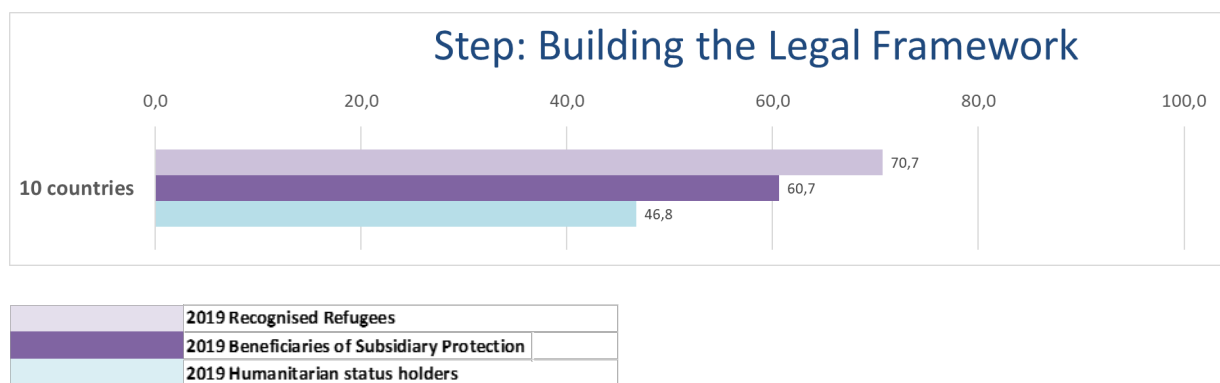
Step: Setting the Legal Framework

- Definition of family unit for family reunification
- Family unity and legal status of family members (derivative status)
- Residency requirement for family reunification
- Economic resource requirement for family reunification
- Housing requirement for family reunification
- Health insurance requirement for family reunification
- Language assessment for family reunification
- Requirement to comply with integration measures for family reunification
- Time limit for facilitated requirements for family reunification
- Documents from country of origin to verify family links
- DNA/age tests to verify family links
- Expedited length of procedure for family reunification
- Status of family members
- Autonomous residence permits for family members
- Access to services for family members

Step: Building the Policy Framework

- Family tracing services
- Fees for family reunification

Legal step



HPH generally face very unfavourable legal conditions to apply for family reunification in all countries. **Bulgaria** (77.8) enshrines the most developed legal framework for HPH and ensures the

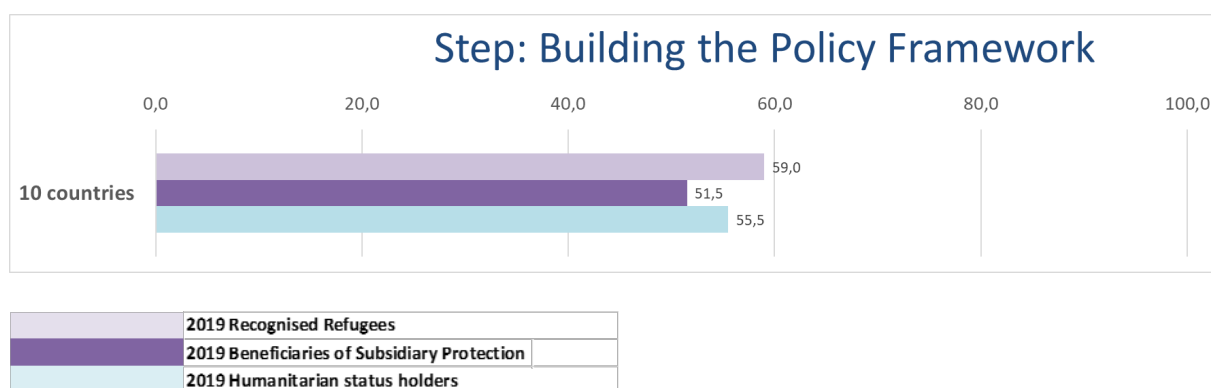
same protection as for RR and BSP. Bulgaria's positive scores on family reunification reflect the proper transposition of obligations stemming from EU and international law. A broad definition of family unit is enshrined in the law, including minor children and spouse/partner, the members of the ascending line when beneficiaries are minors or disabled, and dependents who are adult children or members of the ascending line. There is no residency requirement for HPH to be able to apply for family reunification and no economic, language, integration, health requirements are imposed by the law to obtain family reunification. However, there are no facilitated conditions for vulnerable persons applying for family reunification.

Czechia (67.4) and **Spain** (75.5) also positively guarantee the same level of protection to HPH and other beneficiaries. For instance, in Czechia family reunification law includes an extensive concept of family members and there are no residency, language, integration and economic requirements. In Spain, family members enjoy the same protection status as their sponsor and they have to reside more than 5 years in the country to obtain a residence permit which is autonomous of their sponsor. Also, there are no residency, health, integration, housing and economic requirements to meet in order to reunite with their family.

Less favourable provisions are in place in the Netherlands, Hungary and Poland. In the **Netherlands** (59.5), HPH have to meet economic, language and integration requirements for obtaining family reunification and they face more restrictive legal obstacles in comparisons with RR and BSP. **Hungary** (52.4) includes an extensive definition of family member and does not require residency and integration requirements to apply for family reunification, but it does impose burdensome economic, housing and health requirements as for other TCNs. In **Poland** (38.1), HPH have to meet economic resource requirements for family reunification, while this is not the case for a family member of a foreigner who has been granted refugee status or subsidiary protection. HPH can only enjoy a temporary residence status that becomes autonomous from their sponsor after 5 years. In **Lithuania** (36.3), a restrictive concept of family member is applied along with residency, economic, housing and health requirements as for ordinary TCNs.

Greece (0) and **Italy** (3.8) obtained the lowest scores because the right of family reunification of persons under humanitarian status is not regulated in these countries.

Policy step



Spain (100) adopts developed policies for the integration of HPH. The fees to apply for family reunification are very low and accessible for HPH. In addition, family tracing services are financed by the government and provided by NGOs or international institutions.

Bulgaria (75), **Czechia** (75), **Lithuania** (75) and **Sweden** (75) also provide favourable policies in this field. In these countries, there are no fees to apply to family reunification, but family tracing services are only provided and financed by NGOs or international institutions with no involvement of the government.

Halfway developed measures are in place in, **Netherlands** (55) and **Poland** (50) where generally there are no significant costs and fees for lodging a family reunification's application, but family tracing services are not in place to facilitate reunion with family members or are only provided by NGOs in practice.

Greece (0) and **Italy** (25) have no specific policies for HPH in this field, while **Hungary** (25) adopt highly unfavourable policies for HPH. Family tracing services are merely provided and financed by NGOs or international institutions, the fees instead are too expensive to lodge an application for family reunification.

Citizenship

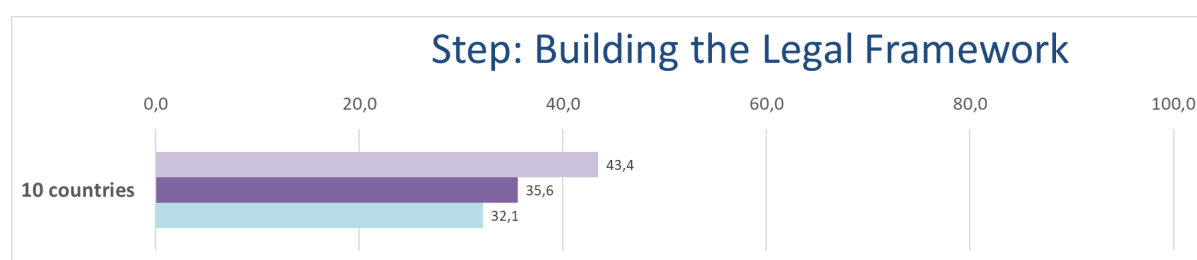
Assessed indicators in the citizenship dimension

Step: Setting the Legal Framework

- Period of residence requirement for naturalisation
- Economic resource requirement for naturalisation
- Language assessment for naturalisation
- Integration/citizenship assessment requirement for naturalisation
- Criminal record requirement for naturalisation
- Documents from country of origin for naturalisation
- Naturalisation by entitlement for second generation
- Expedited length of procedure

Step: Building the Policy Framework

- Amount of fees for naturalisation



	2019 Recognised Refugees
	2019 Beneficiaries of Subsidiary Protection
	2019 Humanitarian status holders

Sweden (68.8) provides the most inclusive legal framework for HPH to obtain citizenship. For instance, Sweden does not apply any economic, language or integration requirements for naturalisation. Also, exemptions from the documentation requirement in defined circumstances and alternative methods where documents are missing are available. However, the residence requirement to apply for the citizenship is the same as for ordinary third-country nationals and longer than 3 years.

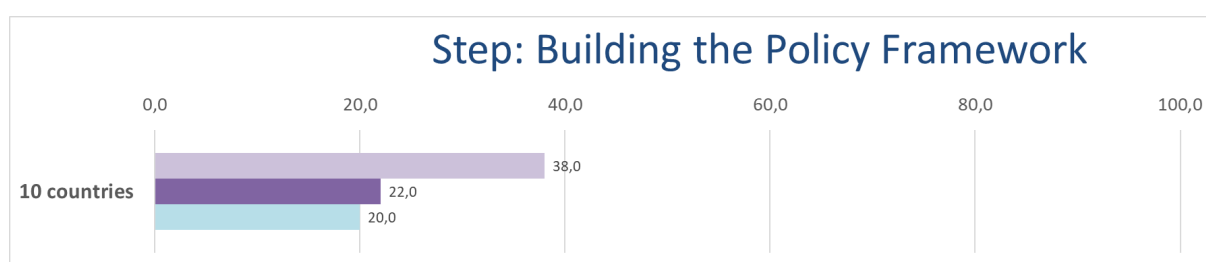
Spain (50) and **Netherlands** (50) enshrine halfway favourable conditions for HPH. In Spain, this group has to renew their residence permit every year (in the first 5 years) and every five years (since the 6th year) to obtain citizenship. There is no economic requirement to meet, but language, integration and criminal records requirements are the same as for ordinary TCNs. Exemptions from the documentation requirement and alternative methods where documents are not available are both provided by the law. Similarly, in the Netherlands, the law recognises both exemptions from the documentation requirement and alternative methods where documents are missing. The residence requirement for citizenship is the same as for ordinary third-country nationals and longer than 3 years. The residence permit is granted with retroactivity to the moment of application for asylum and the years of legal stay awaiting an asylum decision will also be counted.

In **Bulgaria** (35.7), **Czechia** (31.3), **Italy** (25.5), **Lithuania** (25) and **Poland** (35.7), the conditions for HPH are mostly unfavourable, mainly due to the lack of facilitated residence procedures for naturalisation and the imposition of several (economic, integration, language) requirements to apply for citizenship.

In **Greece** (0) and **Hungary** (0),²¹ persons under humanitarian status are not entitled to submit an application for naturalization at all.

²¹ In Hungary, tolerated persons are not able to apply for citizenship, only stateless persons (statelessness is a status recognised by the immigration authority) are able to access citizenship.

Policy Step



	2019 Recognised Refugees
	2019 Beneficiaries of Subsidiary Protection
	2019 Humanitarian status holders

A widespread lack of data emerged in relation to the policy indicators in the dimension of citizenship. However, the available data show that **Czechia** (80) seems to be the only country including highly favourable conditions for HPH given the very low amount of fees to apply for naturalisation. By contrast, most of the other countries impose fees that are difficult for HPH to pay considering the amount of the social assistance provided every month.

5.3.2 Socio economic integration: housing, employment, vocational training, health and social security

Housing

Assessed indicators in the housing dimension

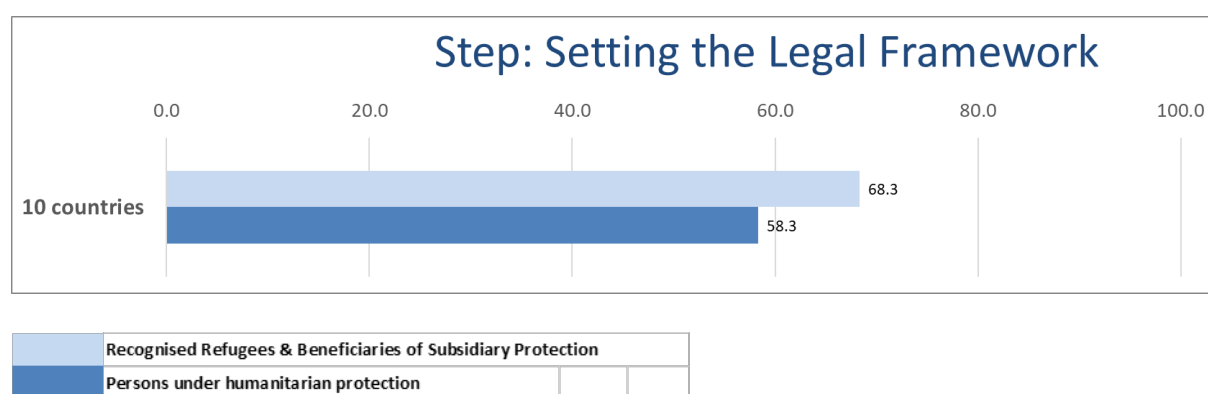
Step: Setting the Legal Framework

- Free movement and choice of residence within the country
- Access to housing and housing benefits
- Access to property rights

Step: Building the Policy Framework

- Targeted housing advice, counselling, representation
- Provision of targeted temporary housing support
- Provision of targeted long-term housing support
- Period of targeted housing support
- Administrative barriers to accessing public housing
- Housing quality assessment

Legal Step



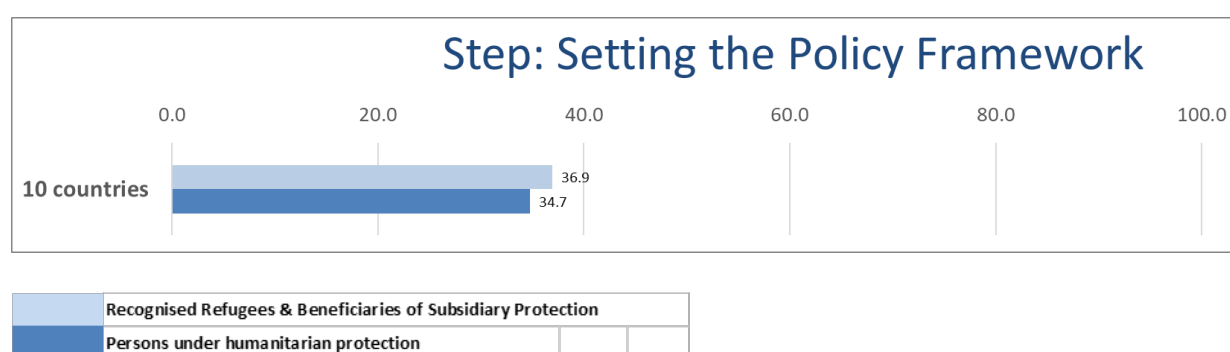
Czechia (100), Netherlands (100) and Sweden (100) provide the highest legal integration standards in the field of housing. In these countries, HPH enjoy the same right for free movement and residence as nationals. They have also the legal right to equal treatment in housing, property rights and housing benefits on equal basis with nationals.

In **Spain (83.3)**, HPH have access to housing, property rights and housing benefits as nationals. Freedom of movement is legally ensured in general terms and, at least, on paper. In practice, as pertain to the national system of reception and integration, HPH are expected to complete the reception and integration path in the same province.

Halfway favourable housing provisions are in place in **Italy (50), Poland (50), Hungary (50) and Bulgaria (50)**. In all the countries, this group has the same right of free movement and residence as nationals, but often there are general conditions (e.g. duration or type of residence permit) to access housing benefits and properties that they cannot meet as newcomers.

No specific laws to facilitate access to housing are in place in **Greece** and **Lithuania** that enshrine very restrictive frameworks for HPH.

Policy Step



Sweden (83.4) has the most inclusive policies in terms of facilitating access of HPH to housing. Targeted housing in-cash support is offered for beneficiaries who are living alone, while beneficiaries living with children and beneficiaries younger than 29 without children are covered by in-cash housing benefits. Legal advice is systematically provided by experts, for instance, "About Sweden" a social orientation handbook for immigrant, provides information on housing and some legal issues

related to housing. After 24 months when the housing introduction program ends, all beneficiaries are incorporated into the existing social benefit system (which includes housing benefits) as all TCN. Since March 2016, municipalities are allocated with certain number of beneficiaries that they need to accommodate. The number allocated to each municipality is calculated depending on housing-quality criteria.

Favourable housing policies are also in place in **Czechia** (66.7), where there are no administrative barriers undermine access to public housing and legal advice is systematically provided by experts. When people under humanitarian protection enter the State Integration Programme (SIP), they will receive housing support in scope defined in their individual integration plan for up to 36 months.

In most countries, housing policies are generally restrictive, for instance in **Bulgaria** (23.4), **Greece** (6.6), **Hungary** (16.6),²² **Italy** (49.2), **Lithuania** (13.4), **Netherlands** (35.2), **Poland** (22.8) and **Spain** (30.2), administrative barriers undermine access to housing and HPH can only benefit from temporary targeted housing support.

Employment

Assessed indicators in the employment dimension

Step: Setting the Legal Framework

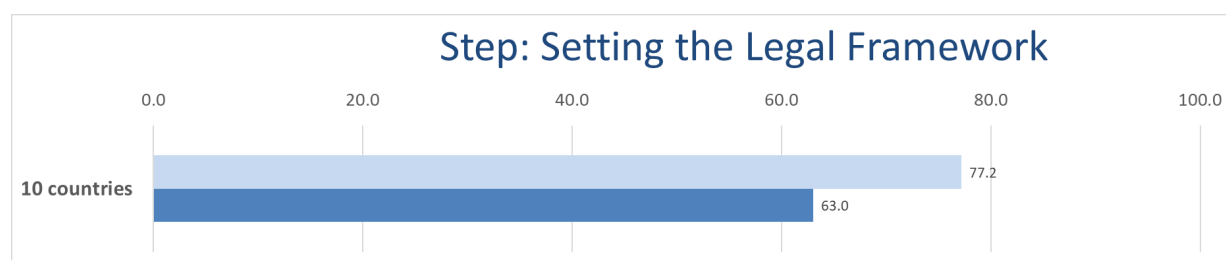
- Access to employment
- Access to self-employment
- Right to recognition of formal degrees and right to skills validation for beneficiaries of international protection
- Recognition procedures of foreign diplomas, certificates and other evidence of formal qualifications
- Support in the recognition of foreign diplomas, certificates and other formal qualifications

Step: Building the Policy Framework

- Administrative barriers to accessing employment
- Awareness raising about the specific labour market situation of beneficiaries of international protection
- Assessment of skills
- Job-seeking counselling and positive action
- Targeted support for entrepreneurs

²² In Hungary, there is no general State support available, only NGOs/church organisations provide temporary housing support for persons under humanitarian protection with their own funds.

Legal Step



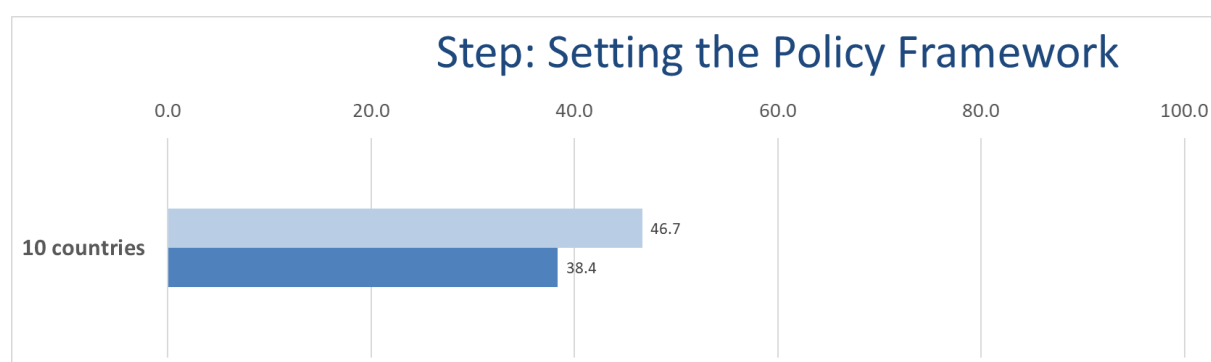
Recognised Refugees & Beneficiaries of Subsidiary Protection		
Persons under humanitarian protection		

Czechia (88.3), Italy (80), the Netherlands (70), Spain (93.3) and Sweden (90) adopts the highest legal standards to promote access to employment for HPH who can enjoy the same legal protection of RR and BSP. HPH have generally the same access to employment in the private sector and self-employment as nationals. They have full right to recognition of formal degrees and right to skills validation and the right to same recognition procedures as nationals. If documents from the country of origin are unavailable, the procedure accepts alternative documents or methods of assessments like tests or interviews.

Some barriers are instead found in **Bulgaria (60), Lithuania (60), Poland (48.3) and Greece (40)** to access the labour market for HPH. For instance, beneficiaries' access to employment and self-employment might be obstructed in practice by administrative, residence and language requirements. They also often lack the right to skill validation and accreditation of prior learning (i.e. qualification assessment procedure) or the right to recognition of formal degrees.

Hungary (0) has the most restrictive legal framework as persons under humanitarian protection may be only employed under general conditions for third-country nationals and there is no special procedure to recognise their formal degrees and validate their skills.

Policy Step



Recognised Refugees & Beneficiaries of Subsidiary Protection		
Persons under humanitarian protection		

Sweden (100) has in place the most favourable policies for HPH to promote their smooth access employment. This is mainly due to the absence of administrative barriers and the provision by the State of job-seeking support, targeted entrepreneurship measures and regular assessment of skills.

Italy (71) provides quite favourable policies in this field including targeted assistance for the preparation of business plans and financial support for start-ups and businesses, but there is no yet awareness raising about the specific labour market situation of HPH. In **Czechia** (50), the state only adopts nation-wide criteria to assess their level of professional education and skills.

Very poor labour policies have been adopted in **Bulgaria** (25), **Greece** (8.3), **Hungary** (16.8), **Lithuania** (25), the **Netherlands** (25), **Poland** (25) and **Spain** (37.5). In these countries, required documentation is usually very hard to obtain to access employment and excessive administrative delays and waiting periods are often in place. It is common that countries fail to assess skills or provide job-seeking counselling and positive action, targeted support for entrepreneurs.

Vocational training

Indicators assessed in the in the vocational training dimension

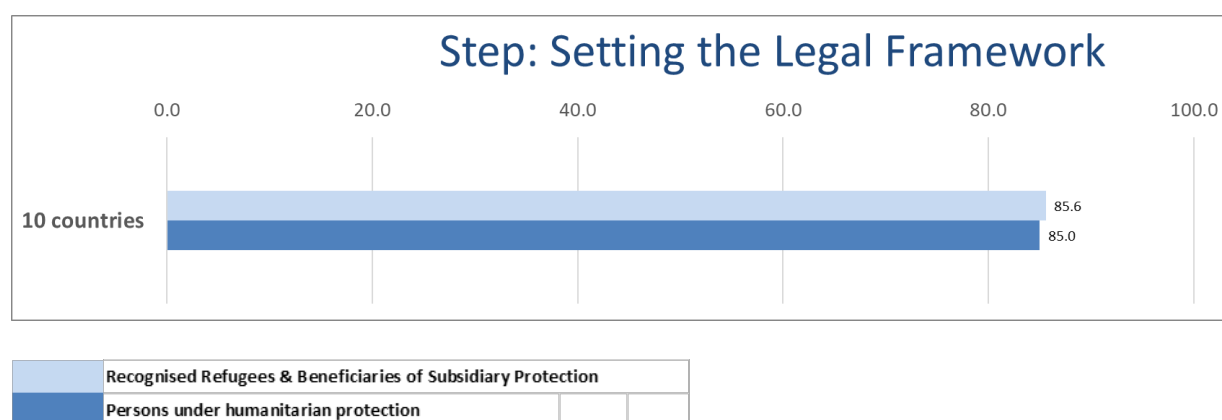
Step: Setting the Legal Framework

- Access to mainstream vocational training and employment-related education

Step: Building the Policy Framework

- Administrative barriers to accessing vocational training
- Accessibility of vocational training and other employment-related education measures
- Length of targeted vocational training and employment education

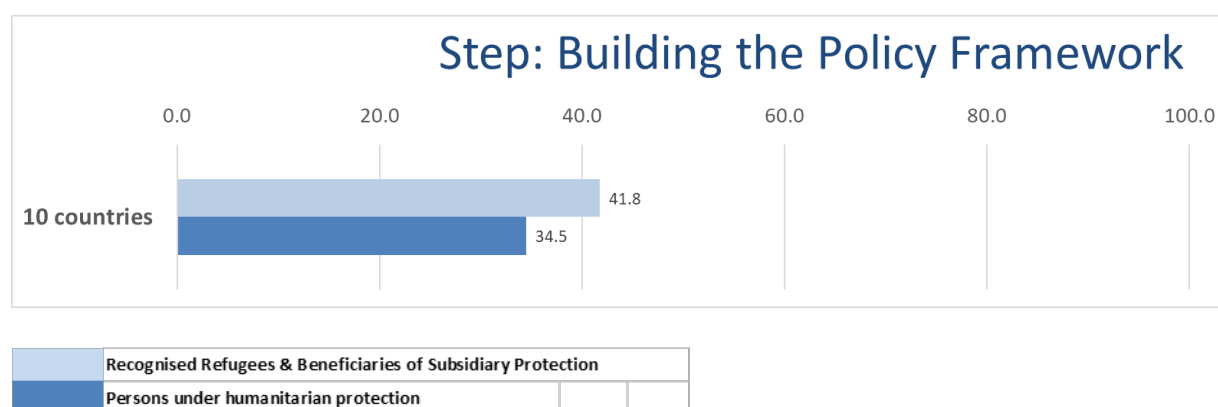
Legal Step



Italy, Czechia, Netherlands, Lithuania, Poland, Spain and Sweden (100) meet the highest legal standards of integration in the field of vocational training as they ensure that HPH have access to mainstream vocational training and employment-related education on the same basis as nationals.

By contrast, in **Bulgaria** (50), **Greece** (50) and **Hungary** (50), this group has the same access as nationals to vocational training, but general conditions or practical obstacles (lack of language knowledge, lack of skill validation and flexible accreditation procedure of prior learning, lack of state funded language courses and social orientation and integration programs) undermine this right in practice.

Policy Step



Sweden (83.3) provides the most favourable policies for the integration of HPH in the area of vocational training. Several measures are in place to increase HPH participation in vocational trainings and encourage employers to provide such trainings. The national ‘introduction program’ includes employment preparatory measures and the Employment Service finds suitable employment-related education measures for HPH. For instance, they can organize their own programs or support programs of the private sector and social partners. In addition, there are no administrative barriers to accessing vocational training.

Similarly, in **Czechia** (55.7), the State provides for measures targeted to increase their participation in vocational training and employment related education. They are entitled to 12 months to use the assistance service in securing vocational training and then they can benefit from vocational training as any other applicants for employment registered at the national labour office.

Obstacles to integration are still in place in **Bulgaria** (33.3), **Greece** (22.3), **Hungary** (33.3), **Italy** (50), **Lithuania** (0), **Netherlands** (33.3), **Poland** (33.3) and **Spain** (0). For instance, often there are no raise-awareness activities to increase HPH participation into employment-related education. Administrative difficulties also apply for those HPH who have previous qualifications, when it comes to recognise and validate studies or qualifications to access high-skilled trainings.

Assessed indicators in the health dimension

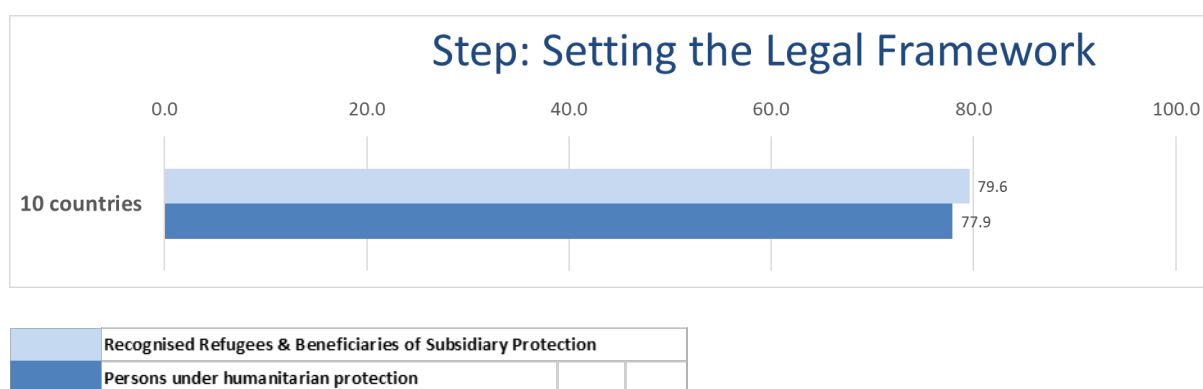
Step: Setting the Legal Framework

- Inclusion in a system of health care coverage
- Extent of health coverage

Step: Building the Policy Framework

- Information for health care providers about entitlements
- Information concerning entitlements and use of health services
- Availability of free interpretation services

Legal Step

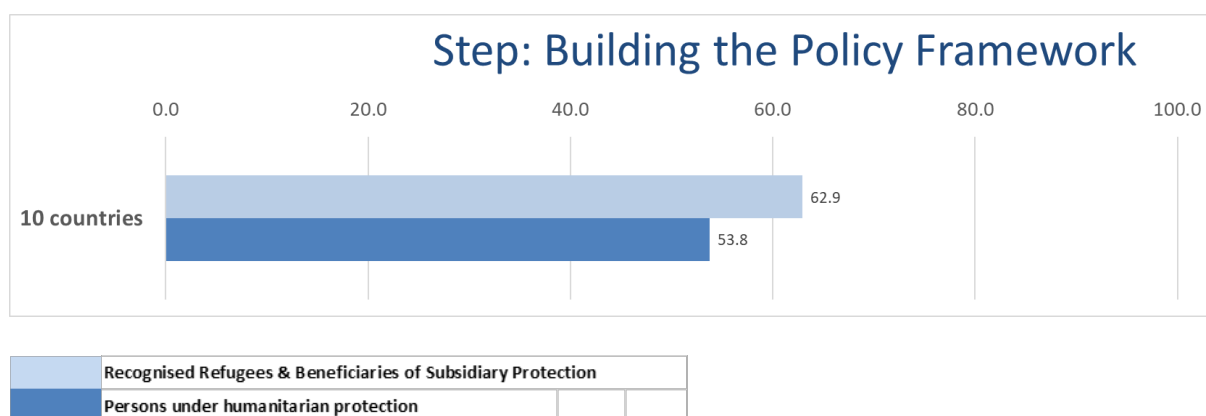


Czechia, Greece, Italy, and the Netherlands Spain and Sweden (100) include the most favourable legal framework for HPH in the health dimension, because they are fully included in the national health care system and enjoy the same coverage as nationals.

By contrast, **Bulgaria** (75), **Lithuania** (50), **Poland** (54.3), and **Romania** (16,8) ensure that HPH can access the health care system under the same general conditions as for nationals. However, some barriers (payment of the health insurance contribution) and limitation (limited health coverage) apply and make access to health system more difficult for HPH.

The most unfavourable conditions are in place in **Hungary** (0) where additional eligibility conditions apply to this group, which do not affect other groups of beneficiaries. Also, the coverage is restricted to emergency care and essential treatments.

Policy Step



Czechia (79.3), **Italy** (70.8), **Netherlands** (75), **Spain** (83.3) and **Sweden** (100) adopt the most developed policies for the integration of HPH in the area of health care. In these countries, usually wide access to health care is provided for special needs group and there are no relevant administrative barriers to obtaining entitlement to health care. They also regularly receive information brochures on their rights and obligations, including information on access to health care.

In **Bulgaria** (29.25), **Greece** (45.8) and **Poland** (54.3), administrative barriers instead undermine the right of HPH to health. The procedure to access the health care system is often subject to discretionary decisions with uncertain outcome or long waiting periods and there is no systematic provision of information on health care entitlements and use of services. Interpretation services are not guaranteed across the health care system but mainly provided by NGOs and international organizations on a project-funded ad hoc basis.

In **Hungary** and **Lithuania** (0), access to health care for special needs groups under humanitarian status is not granted at all and there are several administrative barriers to access health care.

Social security

Assessed indicators in the social security dimension

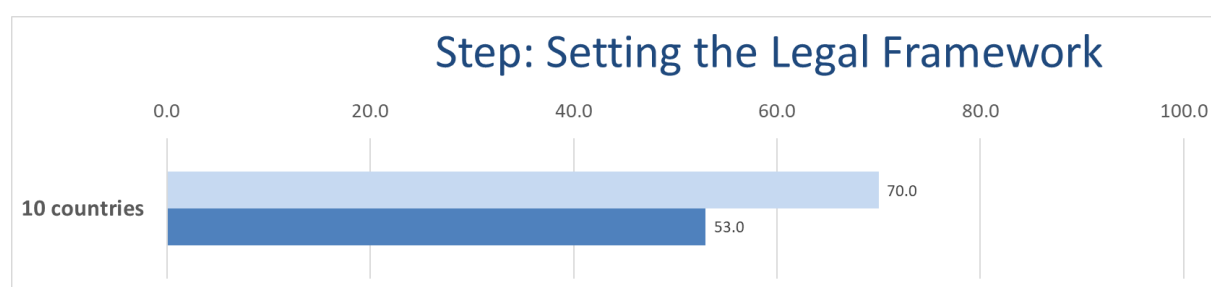
Step: Setting the Legal Framework

- Inclusion in a system of social security
- Extent of entitlement to social benefits

Step: Building the Policy Framework

- Administrative barriers to obtaining entitlement to social benefits
- Information concerning entitlements and the use of social services

Legal step



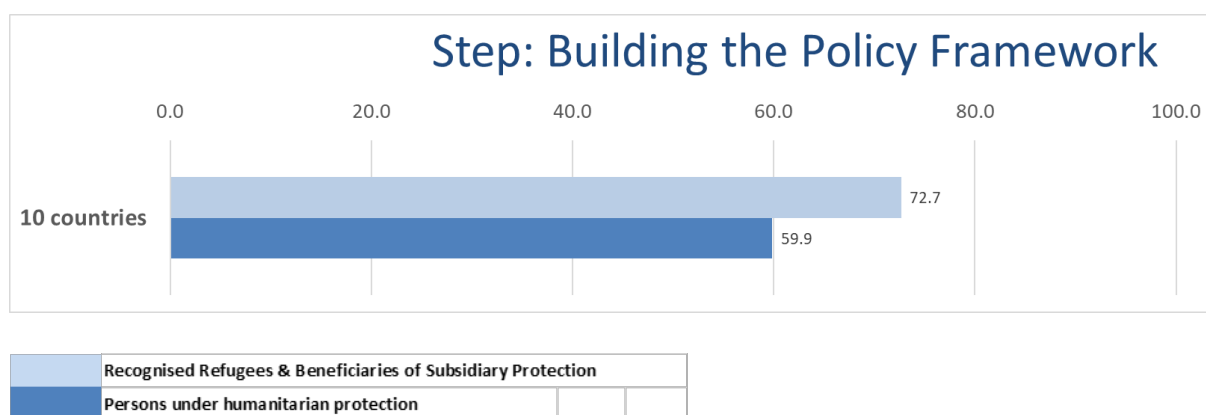
	Recognised Refugees & Beneficiaries of Subsidiary Protection		
	Persons under humanitarian protection		

Greece (100) obtained the highest score because HPH have full access to a system of social security and the level of benefits is equal to nationals plus targeted benefits. In **Spain** (75) and **Sweden** (70), same general conditions as for nationals apply for obtaining social assistance and minimum income support, family- and children-related benefits, old age and survivors. The level of benefits is equal to nationals. In **Italy** (75), the law specifies that the treatment is the same of nationals in the field of social assistance only if the permit to stay is longer than one year, therefore persons under humanitarian protection (who asked for protection before 5 October 2018), whose residence permit is valid for two years, have full access to social assistance at the same conditions as Italian citizens. The new law 113/2018 instead does not provide for specific rules on persons who have obtained the new special permits or the special protection. However, considering that only foreigners who have a residence permit valid at least one year have the same treatment in the field of social assistance as Italian citizens, beneficiaries of special protection (whose permit lasts one year) and holders of new special permits (for medical reasons and special civil acts) should have the same rights as beneficiaries of international protection (except for holders of the residence permit for natural disasters, that is valid only six months). In **Czechia** (70), HPH have full access to minimum income support, unemployment benefits, sickness and disability benefits and family- and children-related benefits, but in most cases they lack access to old age and survivors pensions.

On the contrary, in **Bulgaria** (50), **Poland** (35), **the Netherlands** (55), the right to social security is limited. In **Bulgaria**, HPH are entitled to social assistance, but the lack of knowledge of Bulgarian language and interpreters provided by the state undermines full access to social assistance. In addition, housing and address registration requirements can pose practical obstacles to social assistance. In **Poland**, persons under humanitarian protection are only entitled to shelter, food, necessary clothing and some financial assistance for paying bills, purchasing food, clothes/footwear, school textbooks, medicines and essential domestic appliances. In the **Netherlands**, HPH have access to social assistance, minimum income support and family- and children-related benefit on equal basis with nationals, but the level of benefits is equal to nationals as well.

Hungary (0) and **Lithuania** (0) provide the poorest legal framework since persons under humanitarian protection are not entitled to social services at all except for homeless care service.

Policy step



Favourable social security policies are in place in **Czechia** (100), **Italy** (100), **the Netherlands** (100), **Sweden** (90) and **Spain** (75) where administrative barriers do not represent an insurmountable obstacle to obtaining entitlement to social benefits. Individualised face-to-face information on social security entitlements and use of services is also systematically provided.

Some barriers exist in **Bulgaria** (33.5), **Lithuania** (50) and **Poland** (50), where there is no systematic provision of information on social security entitlements or required documentation is very hard to obtain to receive social benefits.

Hungary and **Greece** (0) obtained the lowest scores as there are no systematic provision of information on social security entitlements and use of services and administrative barriers apply to access social benefits.

5.3.3 Socio-cultural integration: education and language learning

Education

Assessed indicators in the education dimension

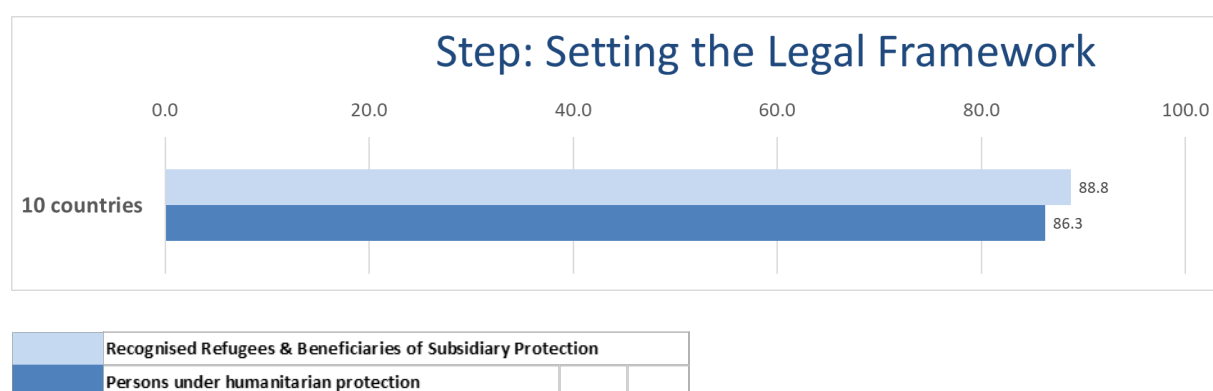
Step: Setting the Legal Framework

- Access to education

Step: Building the Policy Framework

- Administrative barriers to education
- Placement in the compulsory school system
- Length of language support
- Regularity of orientation and language programmes and targeted education measures

Legal step

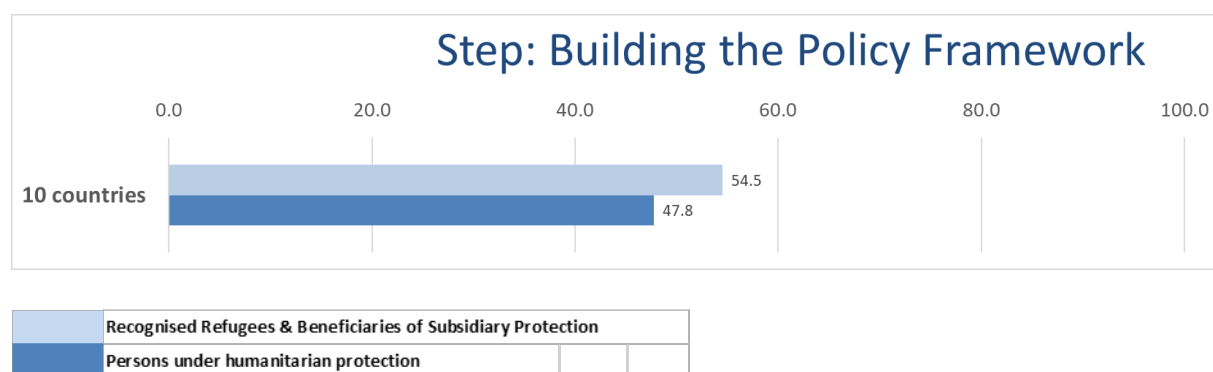


Education is the dimension where HPH on average enjoy the most favorable conditions, because most countries ensure that children and youth have the legal right to equal treatment and access to compulsory school on equal basis with nationals.

Czechia, Italy, the Netherlands, Spain and Sweden (100) meet the highest standards of integration as HPH has access to pre-school, primary and secondary education in compulsory school age, upper secondary education above compulsory school age and also post-secondary and tertiary education on equal basis with nationals.

Slightly less developed conditions apply in **Greece** (50), **Bulgaria** (75), **Hungary** (87.5), **Lithuania** (75), **Poland** (75), where some obstacles may apply to access tertiary education.

Policy Step



Sweden (100) adopts the most favourable policies for the integration of HPH in the education system. No administrative barriers apply to access education and comprehensive assessment systems and measures for the placement of children in the compulsory school system are in place. Measures are taken to avoid that children have to change their place of schooling during the asylum procedure and there is systematic support for learning the host language.

Czechia (59.5) and **Italy** (75) also obtained high scores in this area because of the provision of orientation, language programmes and targeted educational measures, which are offered and funded in a systematic manner to HPH.

By contrast, in **Hungary** (25), **Greece** (20,8), **Lithuania** (50), **Netherlands** (42,5), **Poland** (50) and **Spain** (30) some barriers risk jeopardising the integration process of HPH. Excessive administrative delays, waiting periods and discretionary decisions with uncertain outcome jeopardise are common obstacles in these countries to access to education. Also, orientation and language programmes and targeted education measures are very rare.

Language learning

Assessed indicators in the language learning and social orientation dimension

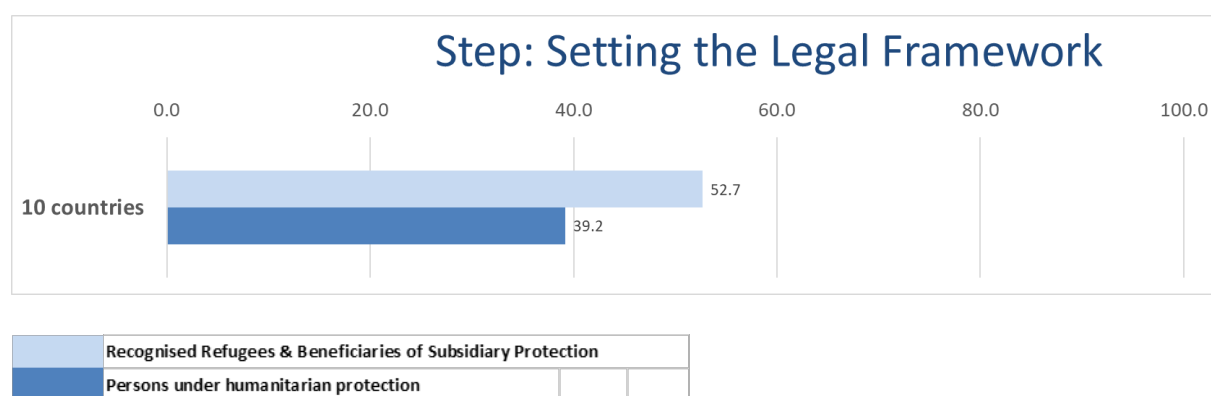
Step: Setting the Legal Framework

- Access to publicly funded host language learning
- Access to publicly funded social orientation

Step: Building the Policy Framework

- Quality of language courses
- Duration of host language learning
- Administrative barriers to host language learning
- Duration of translation and interpretation assistance
- Administrative barriers to social orientation

Legal Step

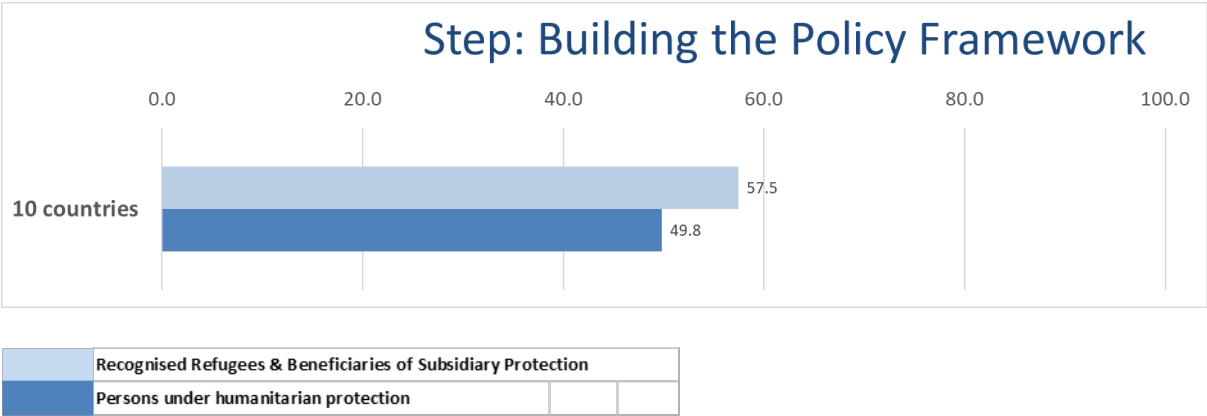


Italy, Spain and Sweden (100) all guarantee to HPH a certain number of free hours of free language classes and social learning courses. By doing so, they accelerate the integration process of HPH in the host society. In **Czechia** (75), access to these courses is not always available in sufficient capacity and offered in systematic way.

In **Lithuania** (16,5), language courses are not free and no further obligations are attached, while publicly funded social orientation courses are not available at all.

On the other side, in **Bulgaria, Greece, Hungary,**²³ **the Netherlands, Poland** (0), there were no publicly funded language and social learning courses in 2019 for this group of beneficiaries.

Policy step



Czechia (88.4), **Italy** (96), **Spain** (96) and **Sweden** (100) are the countries that have in place the most favourable policies in this area, as administrative barriers usually do not pose any obstacles to participate to publicly funded host language learning and social orientation classes. Moreover, language tuition, needs-based translation and interpretation assistance when dealing with authorities and public services are provided for HPH.

In **Bulgaria** (1.67), **Greece** (4.2), **Hungary** (0), **Lithuania** (20), **the Netherlands** (52), **Poland** (40), the adoption of poor policies for language learning and social orientation can slow down the integration of HPH in host society. Administrative requirements are burdensome for HPH and there are no publicly funded language courses and sufficient quality in language tuition (course placement according to needs, targeted curricula, trained second-language teachers). Needs-based translation and interpretation assistance when dealing with authorities and public services are also very rare in these countries.

²³ In Hungary, it is worth noting there were no publicly funded language and social learning courses available also for BIPs.

6. Conclusive remarks: the long road towards integration

NIEM indicators clearly point out that HPH face several obstacles towards integration from a legal and policy perspective. They rarely experience fully favorable conditions to integrate in any area of life and wide gaps exist in those policies which should actively support their long-term integration.

- On average, **legal indicators score better across the dimensions related to socio-economic and socio-cultural integration than socio-legal integration.**

Health, education and vocational training are the areas characterized by the most favourable conditions, with employment, social security, housing and trailing somewhat behind. It is common that HPH are included in the national health care system and enjoy the same coverage as nationals; similarly HPH have access to primary and secondary education and also to post-secondary and tertiary education on equal basis with nationals. Moreover, this group has the same access as nationals to vocational training in the majority of countries.

By contrast, legal barriers slow down access to the labour market, since HPH often lack the right to recognition of formal degrees or skills validation and encounter several administrative, residence and language requirements to find a job in the host countries. Access to housing can also be problematic for HPH as they enjoy the same right of free movement and residence as nationals, but they can't access housing benefits and properties in most cases. To a similar extent, HPH can access social assistance and minimum income support, family- and children-related benefits, old age and survivors, but rarely enjoy targeted benefits. Language learning and social security are the areas with the lowest scores and the most unfavorable legal conditions. Most countries indeed fail to provide language learning and social orientation support showing a lack of interest in equipping HPH with the new country's language to cope with everyday life.

By contrast, indicators in the areas of residency, family reunification and citizenship referring to socio-legal integration present the poorest results. Very restrictive legal frameworks apply in most countries to apply for residency, family reunification and citizenship. Most of the Member States provides only short residence permits and HPH are often not eligible for long-term or permanent residence permit. The lack of facilitated residence procedures also affect their chances to apply for citizenship and the right of family reunification is jeopardised by the imposition of stricter economic, language and integration requirements in comparisons with RR and BSP.

- NIEM policy indicators also show that **low-quality integration policies** across the majority of areas undermine *de facto* the goal of HPH to achieve a better life in Europe.

The area of socio-legal integration exhibits a very precarious framework for HPH to settle down in the host country. Administrative barriers and high fees usually apply to permanent/long-term residence and naturalisation. Family reunification is obstructed by the lack of family tracing services provided by the government to facilitate reunion of HPH with family members.

The socio-economic area presents several weaknesses in achieving the long-term integration of HPH, especially in vocational training, employment and housing. Apart from a few exceptions, in most countries excessive administrative requirements make access to employment, vocational training and housing very difficult in practice for HPH. Moreover, there is no assessment of individual skills and qualifications or any job-seeking counselling. Governments do not encourage any raise-awareness activities to increase HPH participation into employment-related education. On the positive, policy indicators on social security and health show better results, since health care and social assistance are in most cases provided to HPH without the imposition of administrative barriers.

The socio-cultural dimension of integration is very weak, due to the existence of administrative obstacles that still jeopardise access to education for HPH. Orientation and language programmes and targeted education measures are very rare and most countries fail to introduce publicly funded language courses and language tuition.

- The quality of **integration policies for HPH widely differs across the countries** assessed and this is exacerbated by the lack of common EU legal standards on humanitarian protection.

The best-scoring country both at the legal (82.3) and policy (84) level is **Sweden** which ensures the highest standards of integration across almost all the different dimensions, followed by **Spain** (77.7 - 63) and **Czechia** (77.3 -74.2).

Halfway favourable conditions are provided in the **Netherlands** (68.5 – 46.5) and **Italy** (58.4 – 55.4) which guarantee access to basic rights to promote the socio-cultural and socio-economic integration of HPH, while providing lower standards for their socio-legal integration.

Poorer legal and policy frameworks are in place in **Bulgaria, Greece, Hungary, Lithuania and Poland**, scoring on average between 48 and 20, due to the failure to ensure access to basic rights to HPH in most areas of life and policies for their long-term integration in society.

- HPH receive in most cases a less favourable treatment when compared with recognized refugees and BSP.

HPH share the same problems and obstacles of other beneficiaries of international protection to integrate in host society (see NIEM baseline and evaluation 1 reports). In several countries, the main weaknesses concern the lack of long-term housing support and active labour market support measures for accessing employment. In addition, targeted language and social orientation courses are almost inexistent for HPH. However, the major gaps are found in the areas of family reunification and residency, where HPH face more restrictive legal conditions than RR and BSP, since national governments recognize only a very short-residence permit for this group that only aggravate their precarious legal status and perspective to remain in the country.

7. Main current trends and potential policy options

Since the emergence of the so-called refugee crisis, several Member States started to adopt restrictive migration and asylum policies in order to deter the entry of migrants in Europe. Among the various measures adopted, some countries narrowed down the eligibility criteria for migrants to access national protection status.²⁴ For instance, in Italy, the general humanitarian protection was abolished in October 2018 and replaced by special residence permits granted on specific grounds. In Sweden, national protection on humanitarian grounds has been suspended until July 2021, as a result of the adoption of the Temporary Act in 2016, a bill that temporarily restricts the possibility of obtaining a residence permit in the country.²⁵ In the Netherlands, the discretionary power (discretionaire bevoegdheid) of the Minister to issue residence permits in distressing cases (schrijnende gevallen) has been abolished.²⁶ In Belgium, burdensome administrative fees and a *prima facie* assessment have been introduced to apply for humanitarian and medical regularisations.²⁷ In Greece, a law adopted in May 2020 (Law 4686/2020) abolished humanitarian protection retroactively as of 01/01/2020, leaving no relevant provisions in place for applicants who do not meet the requirements for obtaining refugee status or subsidiary status but are in need of other forms of protection.

The adoption of more restrictive policies in the Member States seems to be linked to the increasing number of asylum applications since the beginning of the so-called refugee crisis and the national objectives of deterring new arrivals. Eurostat data also highlight a steady increase of statuses granted on humanitarian grounds between 2010 and 2018 in Europe. This framework suggests that Member States are progressively narrowing down the eligibility criteria for humanitarian protection in order to reduce standards of protection and avoid embracing long-term integration strategies. This trend may have an unfavourable impact on the integration of humanitarian status holders and their chances to regularly settle down in Europe.

²⁴ European Migration Network, Synthetic Report, Comparative overview in national protection statuses in Europe and Norway (2020).

²⁵ Despite the suspension of national protection on humanitarian grounds until July 2021, Sweden continued to issue humanitarian protection in 2019. The legal and policy provisions related to integration efforts and access to rights are based on the length of residency permit, not on the category of protection/residency permit an individual receives.

²⁶ It is worth noting that two new categories of aliens are now eligible for humanitarian protection in the NL: minors with a child protection order and protected witnesses in a protection programme of the National Police Force.

²⁷ European Migration Network, Synthetic Report, Comparative overview in national protection statuses in Europe and Norway (2020).

Policy options to adopt minimum standards of integration for humanitarian status holders:

- Member States should grant humanitarian protection as a last resort and preferably use subsidiary protection status;
- If Member States decide to retain humanitarian protection, they should align the standards of the humanitarian status protection with the ones granted under the EU-harmonised subsidiary protection, at the least;
- Member States should recognise HPH as eligible for long-term or permanent residence permits;
- Member States should waive or reduce the general conditions for acquiring permanent/long-term residence, family reunification and citizenship (i.e. economic resources, language knowledge, housing, integration, fees etc.) as for refugees and BSPs;
- Member States should provide the right to recognition of formal degrees or skills validation for HPH and introduce national schemes to ensure a proper implementation of this right in practice;
- Member States should recognise the legal right to equal treatment in housing and housing benefits on equal basis with nationals;
- Member States should provide regular language learning and social orientation support for HPH;
- Humanitarian protection should be on the political agenda of the EU institutions to discuss how to improve the integration standards and provide better harmonisation in Member States.