

WHAT NATIONAL PROTECTION STATUSES EXIST IN MEMBER STATES AND NORWAY?

EMN FLASH #11 - 2020

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

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

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

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

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

Key findings



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



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



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



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



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

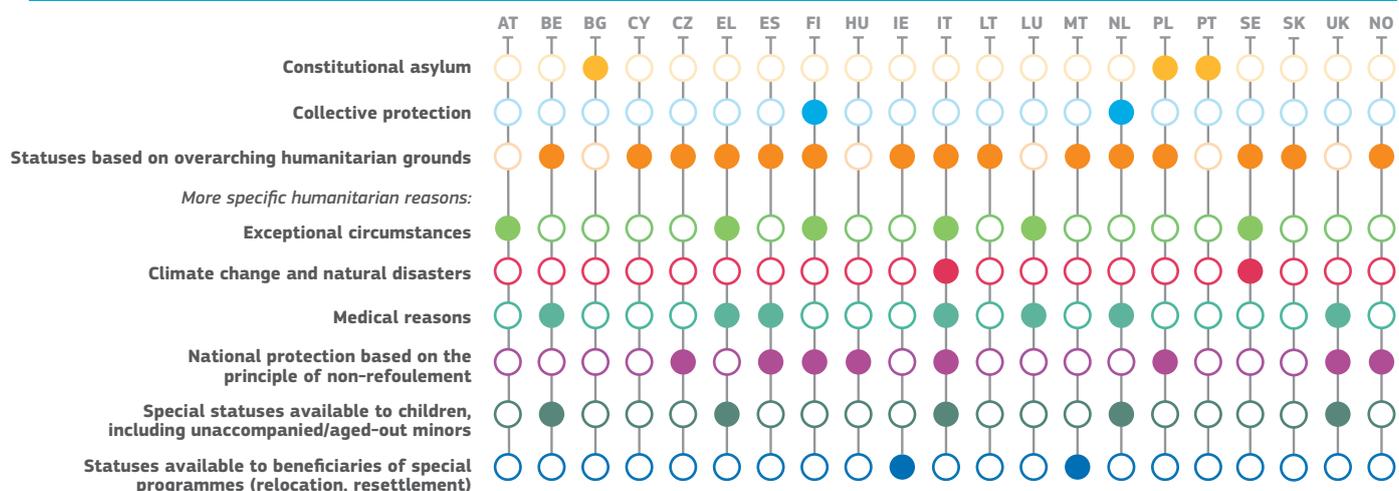


Member States also have a greater level of discretion regarding the determination procedures compared to the EU-harmonised statuses. In half of the statuses examined, asylum authorities are not involved, with other migration authorities or political bodies (president, national parliament) deciding which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



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

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



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HOW DO EU MEMBER STATES, NORWAY AND THE UNITED KINGDOM TREAT CASES OF MISSING UNACCOMPANIED MINORS?

EMN FLASH #10 - 2020

Introduction to the EMN Inform on Missing Unaccompanied Minors.

The phenomenon of migrant children going missing has recently received increased attention from the media in several Member States and the European Parliament, an issue that has not yet been addressed in an effective manner, as reflected in several recent publications by international organisations and European NGOs.

European Commission, has mapped how cases of unaccompanied children going missing are being treated in the Member States. The EMN asked: who is in charge of reporting the disappearance of missing unaccompanied minors and what are the procedural steps taken by authorities? What cross-border networks are in place? What national data is available for this group of children?

In response to this concern, the EMN, at the request of the

Key findings



It is not possible to accurately quantify the phenomenon of missing unaccompanied children in the EU due to **lack of comparable data**. Many Member States do not have complete data on missing unaccompanied minors, and the existing data is not comparable. However, data provided over the period 2017-2019 showed that the majority of such children reported were over the age of 15, the vast majority were males, and the three most frequently cited countries of nationality were Afghanistan, Morocco and Algeria.



Almost all Member States reported **elaborate procedures** in place for dealing with unaccompanied minors going missing, which are often **identical and/or similar to the procedures for the national/EU children who disappear**. These included rules and procedures for determining when an unaccompanied minor should be reported as missing; and who is responsible for reporting the disappearance, for issuing alerts (nationally and cross-border), and for following up on the disappearances (generally, the Police).



At the same time several NGOs note that, in their experience, there are **discrepancies between existing frameworks in place and the practice**. For example, the NGO Save The Children notes that in practice the registration of a disappearance may not always be followed up by the police as in the case of missing national children. According to them, the problem is sometimes one of insufficient **cooperation between various authorities**: police, asylum, social and child protection authorities do not always have protocols and safeguards in place to work together in case a child goes missing, preventing a proper and swift response once this happens.



The authorities responsible for dealing with cases of missing unaccompanied minors assess the **urgency of the case**, often including an assessment of whether there are **worrying circumstances** surrounding the disappearance. The fact that it concerns an unaccompanied minor is not explicitly mentioned as a factor that is in itself considered sufficient to classify the case as 'worrysome'. Save The Children notes that **risk assessments** are crucial in this respect, but in their opinion, in practice such assessments vary in quality.



There is **no uniform mechanism for cross-border cooperation**. Nevertheless, the use of missing person alerts in the Schengen Information System (SIS) and the exchange of supplementary information on these alerts amongst the SIRENE Bureau are widespread. However, Missing Children Europe (based on testing through case simulations in six Member States) points out that in their experience the formal procedures may not always be followed in practice.

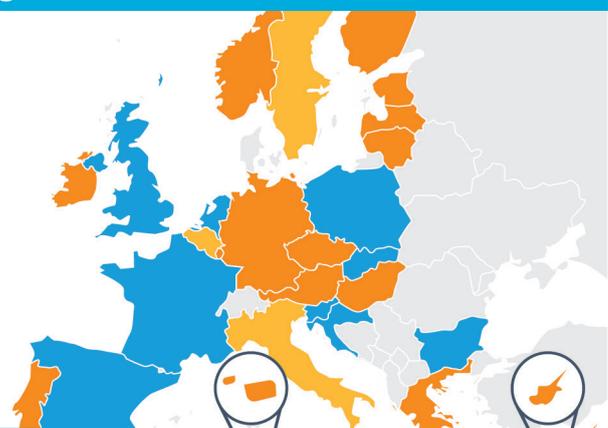


Member States have implemented systems to ensure that data is kept up to date and to avoid duplication; however, some **gaps and weaknesses** were identified in the collection and updating of the data.

Some **good practices** in the **collection of data** on missing children have been detected such as collection of data at centralised level on missing children, either at the reception centres level or by using a dedicated database on missing children.

Data available in the EU Member States, Norway and the United Kingdom on the number of unaccompanied minors going missing

-  Data available 2017-2019
-  Data available from multiple sources (for one or more years)
-  Data not available
-  Any other countries not in the above



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In response to this concern, the EMN, at the request of the European Commission, has mapped how cases of unaccompanied children going missing are being treated in the Member States. The EMN asked: who is in charge of reporting the disappearance of missing unaccompanied minors and what are the procedural steps taken by authorities? What cross-border networks are in place? What national data is available for this group of children?

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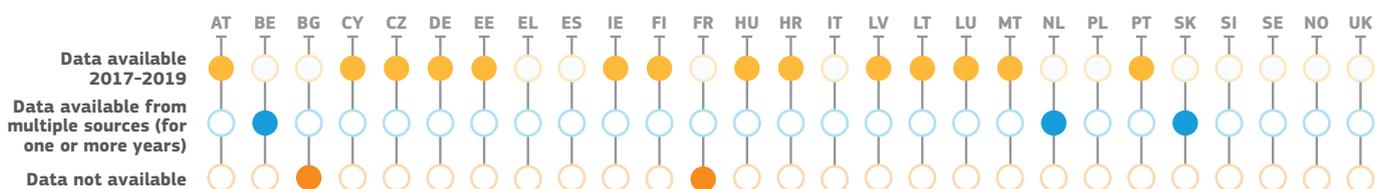
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