



European Migration Network

Ad-Hoc Query on residence permits for medical reasons

Requested by BE EMN NCP on 3th March 2010

Compilation produced on 7 April 2010

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Portugal, Slovak Republic, Spain, Sweden, UK (18 in Total)

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1. Background Information

Foreign nationals, already present in Belgium, who suffer from a very serious illness and who cannot be adequately treated in their country of origin, can, under certain conditions, obtain a durable right of residence which can become a permanent right of residence after five years.

This article was introduced by the Law of 15 September 2006 modifying the Aliens Act and entered into force on 1 of June 2007. This procedure was developed because of jurisprudence of the European Court of Human Rights, more particular on article 3 ECHR and because of article 15(b) of the Qualification Directive. Belgium chose to develop a separate procedure for these cases (not through the regular asylum procedure).



2. Responses¹

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| | | Wider Dissemination? ² | Q1. Does your country have a special procedure for medical cases? If not: how are medical cases assessed? Q2. If yes: what are the conditions that must be fulfilled? Q3. What kind of evidence is required? Concerning MEDICAL EVIDENCE: how and by whom (medical officer within the Ministry or...) is the medical evidence (certificates,...) assessed? Q4. What is the residence status of the applicant during/after the procedure? |
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.



² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination

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|  | Austria | No | The NCP answered but requested no further dissemination beyond EMN and COM. |
|  | Belgium | Yes | <p>Q1. Yes. Foreign nationals, already present in Belgium, who suffer from a very serious illness and who cannot be adequately treated in their country of origin, can, under certain conditions, obtain a durable right of residence which can become a permanent right of residence after five years. (Article 9ter Aliens Act)</p> <p>Q2. 1) The foreign national must already be staying in Belgium 2) The foreign national must suffer from a serious illness To obtain a residence permit on medical grounds, the medical situation of the foreign national must be of certain seriousness. More in particular, there must be a real risk, upon return to the country of origin or habitual residence that: - the life or physical integrity of the foreign national is in danger, or - the foreign national will be at risk of inhuman or degrading treatment. 3) There does not exist an adequate treatment for this illness in his or country of origin</p> <p>Q3. Originally, legislation stipulated that the foreign national must 1) prove identity and nationality although an exception was made for: - the foreign national who can validly prove the impossibility to obtain the required identity document in Belgium; - the asylum seeker who has not yet received a final decision on his application or who has introduced an administrative appeal of annulment with the Council of State which has been declared admissible.</p> <p>The foreign national must furthermore bring forward all useful information. In the first instance, 2) a medical certificate regarding the illness and its seriousness must be handed over. The existence and seriousness of the foreign national's illness will be assessed by a medical officer. The medical officer is a staff member of the ID but will remain free in his appreciation of the medical elements, whilst observing his Hippocratic Oath. This medical officer can, if he deems it necessary, ask additional advice from experts. The medical officer will forward his final advice to the competent case manager of the ID. Secondly, the foreign national must prove that 3) adequate treatment is not available or accessible in his country of origin or habitual residence. The examination of the issue of adequate and available or accessible treatment takes place on an individual basis. The ID will thus take into account the effective and individual accessibility of the necessary medical treatment, for example through financial, ethnical, political, geographic and security elements. When assessing the financial situation, the ID will take into account the possible existence of a social security system in the country of origin.</p> <p>Q4. ∅ <i>At the moment of introduction of the application</i> The introduction of an application for a residence permit on medical grounds does not change the residence status of the foreign national as long as there has not been a decision on the admissibility. However, the ID cannot remove the foreign national at this stage if his medical condition entails a real risk of inhuman or degrading treatment upon return (article 3 ECHR) and if this concern was not appropriately addressed and motivated in the removal order of the ID.</p> |

the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."


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| | | | <p>∅ When the application has been declared admissible</p> <p>If the application has been found admissible and the residence and identity control turned out to be positive, the foreign national will receive a temporary residence permit valid for three months which can be prolonged three times, each time for a period of three months. After a year, this temporary residence permit will be prolonged every time with one month.</p> <p>∅ When the application has been declared inadmissible</p> <p>Case law has stated that in this case no removal order can be given to the foreign national without the authorities examining and motivating why this removal measure does not entail a real risk of inhuman or degrading treatment with regard to the medical condition of the applicant.</p> <p>∅ When the application is well founded</p> <ul style="list-style-type: none"> • A temporary right of residence <p>The foreign national will receive a temporary residence permit valid for at least one year. The foreign national must ask for renewal between the 45th and 30th day before the expiry of the validity of the permit.</p> <ul style="list-style-type: none"> • A conditional right of residence <p>The ID can at all time revoke the right of residence if it finds that the medical grounds which were the reason for the granting of this protection status, are not present any more.</p> <ul style="list-style-type: none"> • Permanent right of residence after five years <p>A foreign national who after five years still benefits from this protection status, will be granted a permanent right of residence.</p> |
|  | Bulgaria | Yes | <p>A permission for long stay shall be able to receive foreigners who have started long treatment in a medical establishment and dispose with financial resources for healing and maintenance. Required evidences by such medical cases which have to be submitted to the offices for administrative control of the foreigners: Medical Certificate issued by the medical authorities, medical insurance and certificate for financial resources.</p> |
|  | Estonia | Yes | <p>In Estonia there aren't any special procedures for medical cases.</p> <p>The Aliens Act foresees a possibility to obtain a residence permit to settle with a close relative residing in Estonia if the alien is unable to cope independently and needs care. This residence permit is issued to:</p> <ol style="list-style-type: none"> a) an adult child in order to settle with a parent who permanently resides in Estonia if the child is unable to cope independently due to health reasons or a disability; b) to a parent or grandparent in order to settle with his or her adult child or grandchild who permanently resides in Estonia if the parent or grandparent needs care which it is not possible for him or her to receive in the country of his or her location or in another country and if his or her permanent legal income or the permanent legal income of his or her child or grandchild who legally resides in Estonia ensures the that the parent or grandparent will be maintained in Estonia. <p>For the above-named cases the applicant has to submit a proof from the doctor stating that the applicant is unable to cope independently</p> |


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| | | | <p>due to health reasons and needs care. The length of these residence permits is linked with the length of the sponsor, but can be up to 5 years and after that they may apply for the long term residence permit.</p> |
| + | Finland | Yes | <p>1+2) No. Finland has no special procedure for medical cases. Residence permit on medical grounds may, however, be issued in accordance with Section 52 of the Aliens Act.</p> <p>Section 52 Issuing residence permit on compassionate grounds</p> <p><i>(1) Aliens residing in Finland are issued with a continuous residence permit if refusing a residence permit would be manifestly unreasonable with regard to their health, ties to Finland or on other compassionate grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable position.</i></p> <p>Residence permit granted under section 52 of the Aliens Act is issued for one year. A new permit may be issued for a maximum of four years. In practice, former asylum applicants with residence on non-protection-related grounds are usually issued a new one year residence permit.</p> <p>3) The evidence required is not covered with legislation. The requirement for issuing a residence permit on compassionate grounds is, that the alien is residing Finland. In order to examine the alien's health condition in relation to the requirements set in Section 52 of the Aliens Act, he or she should present a medical certificate.</p> <p>Residence permit on compassionate grounds is chiefly granted under the following circumstances (health in question): Health condition: mental disorder, PTSD, depression, internal disease (diabetes, coronary disease, cancer etc.).</p> <p><u>Granting residence permit with regard to applicant's health would require that the disease is expected to shorten the applicant's lifetime and/or there is no adequate health care in applicant's home country.</u></p> <p>The medical treatment available in the alien's COI or country of permanent residence is examined <i>ex officio</i> by the Immigration Service.</p> <p>Section 35 of the Aliens Act: A requirement for issuing a residence permit is that the alien has a valid travel document. Still, a residence permit may be issued even if the alien does not have a valid travel document if the permit is issued under section 51, 52, 52a, 87, 88, 88a, 89 or 110. (323/2009)</p> <p>If there is adequate medical treatment available in the alien's COI or country of permanent residence but his or her health condition would temporarily hinder his or her removal from Finland, the alien is issued with a temporary residence permit in accordance with</p> |



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| | | | <p>Section 51 of the Aliens Act. (<i>Aliens residing in Finland are issued with a temporary residence permit if they cannot be returned to their home country or country of permanent residence for temporary reasons of health or if they cannot actually be removed from the country.</i>)</p> <p>4.) Lodging an application for residence permit or asylum does not change the alien's status. An alien may reside legally in the country while his or her application is being processed until there is a final decision on the matter or an enforceable decision on his or her removal from the country. Once he or she has been issued residence permit on compassionate grounds, he or she resides in Finland with continuing residence permit (A-status). Continuing residence permit on compassionate grounds is issued for one year, maximum four. In case the applicant's health condition hinders his or her removal temporarily (no other grounds for residence permit), he or she will be issued temporary residence permit (B-status).</p> <p>A new fixed-term residence permit is issued if the requirements under which the alien was issued with his or her previous fixed-term residence permit are still met (section 54 of the Aliens Act).</p> <p>Family members of an alien, who has been issued with a continuous or permanent residence permit, are issued with a continuous residence permit. If unaccompanied minor children who have entered Finland are issued with a residence permit under Section 52, subsection 1, their minor siblings residing abroad are issued with a continuous residence permit upon application. A requirement for issuing a residence permit is that the children and their siblings have lived together and that their parents are no longer alive or the parents' whereabouts are unknown. Another requirement for issuing a residence permit is that issuing the permit is in the best interest of the children. Issuing a residence permit does not require that the alien have secure means of support</p> <p>If an alien is issued with a residence permit under Section 51, his or her family members residing abroad are not issued with a residence permit on the basis of family ties.</p> |
|  | <p>France</p> | <p>Yes</p> | <p>Q1. Yes.</p> <p>Q2. According to Article 313-11 paragraph 11 of the Code on entry and residence of foreigners and right of asylum, "unless his presence represents a threat to public order, a temporary residence card 'private and family life' is automatically issued for one year to the foreigner habitually residing in France whose health requires medical care whose default may lead to consequences of exceptional seriousness, provided that he can not receive appropriate treatment in his country of origin".</p> <p>Thus, a foreigner who wishes to be granted a residence permit for health reasons must meet five conditions:</p> <ol style="list-style-type: none"> 1) Habitually reside in France (at least for 1 year); 2) Benefit from a medical support; 3) A lack of support is likely to have consequences of exceptional seriousness; 4) A lack of appropriate treatment in the country of origin; 5) Not benefit from treatment in the country of origin. <p>A temporary residence authorization (autorisation provisoire de séjour) renewable during the duration of treatment is issued to the foreigner instead of a temporary residence permit if he does not meet the requirement of habitual residence (living in France for at least</p> |




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| | | | <p>one year). A temporary residence permit entitles the pursuit of an occupation while a temporary residence authorization does not allow the foreigner to work or receive certain benefits, and makes it difficult to access accommodation and employment.</p> <p>When the foreigner does not reside in France and needs to receive medical treatment in France, he can be granted a visa delivered by the embassy for the duration of treatment, but there are very few cases.</p> <p>Q3. To benefit from a temporary residence permit, the foreigner must take the following steps:</p> <ul style="list-style-type: none"> ▶ Go to the prefecture to declare an application for residence for medical care. He then receives a list of required documents. ▶ Contact a licensed doctor (preferably a specialized department hospital) and have him establish a medical record. <p>The doctor, in his certificate, must explicitly state that the health status of the foreigner requires medical care, whose default may lead to consequences of exceptional seriousness for the foreigner. The doctor must also state that the foreigner can not actually receive appropriate treatment in his country of origin.</p> <p>The record should provide evidence in support of this certificate: diagnosis of pathology in progress, treatment, duration of treatment, prospects and conditions of this treatment in the country of origin (availability of medical services, effective access to these services linked to social and economic conditions, etc.)</p> <ul style="list-style-type: none"> ▶ Send this file and the other requested documents to the prefecture. The medical record is reviewed by the medical inspector of the DDASS (Departmental Directorate of Health and Social Affairs) which gives favourable or unfavourable judgment to the prefecture. The latter accepts or denies the issuance of a residence permit. <p>Q4. During the procedure, the foreigner is granted a receipt of application for a residence permit valid for three months pending the decision of the prefecture which must be taken within 4 months. Applying for a temporary residence permit does not change the status of residence that the foreigner had before making the request.</p> <p>If the application is denied, the foreigner may bring an appeal (interlocutory appeal or administrative litigation, which is the same as in the case of an obligation to leave the territory).</p> <p>If the appeal is denied, the foreigner receives a removal order and is compelled to leave the territory.</p> <p>If his application is accepted, he will be granted a temporary residence permit 'private and familial life' for a period of one year renewable. However, as mentioned above, many prefectures only issue temporary residence authorizations for 6 months.</p> |
|  | Germany | Yes | Complete information can be found on pages 16, 17 (section 25, para. 3 – 5), page 31 (section 60, para. 7 and section 25, para. 4) and pages 33, 34 (section 25, para. 5) of the DE EMN-report “The Granting of Non-EU Harmonised Protection Statuses in Germany”. Link: |




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|  | Greece | Yes | <ol style="list-style-type: none"> 1. Our migratory legislation does not provide for the admission of TCNs and the issuance of residence permits for medical reasons. However, TCNs who reside legally in Greece holding a residence permit for any other reasons mentioned in the law and they suffer from a serious illness/have serious health problems or undergo a (labour) accident they are granted a residence permit for humanitarian reasons. 2. Necessary precondition for the issuance of permit for the above mentioned reasons is the previous acquisition of a residence permit. The existence of serious health problems – accident as well as the duration of their treatment is confirmed by a recent certificate from a public hospital. 3. The required evidence, inter alia, are: a) the previous residence permit b) <i>in case of illness</i>: a recent certificate from a public hospital from which derives the severity of the illness and the duration of the treatment, <i>in case of accident</i>: a Medical Committee decision on incapacity for work or the existence of disability in 50% at least or a certificate that the person receives a disability pension c) certificate of the relevant insurance agency that the person concerned can cover the treatment expenses. 4. TCNs that fulfill these criteria are granted a residence permit for humanitarian reasons which lasts maximum one year and it can be renewed each time for an equal period as long as the reasons why the permit was issued still exist. They do not pay any fee for the issuance and they have access to the labour market mostly for dependent employment. However, if their previous residence permit was for independent economic activity they can continue to exercise this activity. Finally, the residence permit for humanitarian reasons can be renewed for one of the other reasons of the law, if the purposes of its issuance do not exist any more. |
|  | Hungary | Yes | <p>1) <i>Medical treatment may serve as a special purpose for entry and residence.</i></p> <p>Residence permits may be issued for the purpose of medical treatment to third-country nationals who would like to enter into the territory of Hungary for the purpose of receiving medical treatment or who are accompanying their minor children or family member in need of support for receiving medical treatment. The validity period of the residence permit corresponds to the duration of the treatment, but shall not exceed two years. It may be extended by the duration corresponding to any extension of the treatment, but with maximum two years. The applicant may verify compliance with the requirements and justify his/her purpose of stay by a certificate from the medical institution providing the treatment.</p> <p>2) <i>Favourable provisions in cases justified by medical treatment or medical reasons</i></p> <ul style="list-style-type: none"> - In some cases visa or residence permit applications shall be evaluated immediately or within not more than five working days. This special rule is applied inter alia regarding applications of minors and their accompanying legal guardians, if the substantiated purpose of travel is medical treatment for the minor. - As a general rule, third-country nationals have to submit their applications for a long-term visa or for a residence permit at the consulate and not in the territory of Hungary; however, submission of the application in Hungary at the regional directorate of the Office of Immigration and Nationality is possible if justified by special circumstances, such as medical treatment. - In case of national residence permits – which provide long-term resident status, such as the EC long-term resident permits –, the applicant has to fulfill several conditions, however, the minister in charge of immigration may take into account the applicant's particular |


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| | | | circumstances, for instance his/her health condition and may grant this status, even if the general conditions are not fulfilled. |
|  | Latvia | Yes | According to our national asylum / migration legislation, medical cases (very serious illness and lack of adequate treatment in country of origin) as such don't make ground for issuing residency permit (or any other legal ground to stay in Latvia). |
|  | Lithuania | Yes | <p>1. Lithuania does not have a special procedure for aliens with medical cases.</p> <p>According to the existing laws, the fact that an alien is seriously ill and cannot be adequately treated in the country of origin, cannot by itself be a ground for granting asylum to such person. However, when assessing if the alien is able to leave the territory of Lithuania, his/her health condition is taken into account, whereas the conditions of health services in the country of origin are not assessed.</p> <p>Therefore, if an alien is of a serious health condition, there are 2 possibilities to remain in Lithuania:</p> <ol style="list-style-type: none"> 1. The alien can obtain a temporary residence permit, valid for a year, if the alien is unable to depart due to a dangerous health condition and requires urgent basic medical aid. The list of such health conditions is to be established by the Minister of Health. 2. If the alien is subject to the expulsion procedure, but the expulsion is suspended because the alien is in need of basic medical aid, the necessity of which is confirmed by a consulting panel of a health care institution, and the alien's health doesn't improve for 1 year after the expulsion decision was suspended, the alien can obtain a temporary residence permit which is valid for 1 year. <p>After 5 years of legal and continuous residence in Lithuania, aliens can apply for a permanent residence permit.</p> <ol style="list-style-type: none"> 2. n/a 3. n/a 4. n/a |
|  | Malta | Yes | <p>Q1. Insofar as regular migrants are concerned there are no legal provisions regarding such situations. However, each situation is assessed on a case by case basis. The immigration status would be temporary and no permanent residence status is envisaged in such cases...</p> <p>In cases where the Refugee Commissioner considers that an asylum-applicant is not eligible for refugee status or subsidiary protection, he may recommend the granting of <i>Temporary Humanitarian Protection</i> status if the applicant has serious medical conditions. In these specific cases, the Office of the Refugee Commissioner, would normally ask the person to present medical evidence and would grant protection if the treatment in the applicant's country of origin is not available or not accessible.</p> <p>Q2. If yes: what are the conditions that must be fulfilled?</p> <p>As stated above, the applicant would be requested to provide a recent medical certificate. COI research on the medical treatment available in the applicant's country of origin will be also conducted by the Office of the Refugee Commissioner.</p> <p>Q3. What kind of evidence is required? Concerning MEDICAL EVIDENCE: how and by whom (medical officer within the Ministry or...) is the medical evidence (certificates,...) assessed?</p> <p>See above</p> <p>Q4. What is the residence status of the applicant during/after the procedure</p> <p>A certificate shall be issued to persons granted temporary humanitarian protection and the beneficiary of temporary humanitarian protection is entitled to remain in Malta for one year. However the status of temporary humanitarian protection may be renewed for further periods of one year. The beneficiaries of this type of protection have the same rights as those granted to beneficiaries of subsidiary protection under the Maltese Refugees Act.</p> |


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|  | Portugal | Yes | <p>Q1. Yes. Foreign nationals, already present in Portugal, who suffers from a disease that requires prolonged medical assistance preventing him/her to return to the country in order to avoid a health hazard to the concerned person, can apply according to legal framework (Act n.º 23/2007, 4th of July, article 122.º, n.º 1, al. g), for a residence permit under special circumstances;</p> <p>Q2/Q3. Beyond the general documents necessary for applying a residence permit, namely passport or other valid travel document; proof that they have accommodation; proof of ownership of means of subsistence; application for inspection of Portuguese criminal record by SEF and certificate of good conduct of the country of origin; when the application is made under special circumstances, it will be needed the presentation of medical certificate establishing health official or officially recognized; evidence of prolonged illness that prevents the return to the country in order to avoid risk to the health of the applicant.</p> <p>Q4. During the period of applicant process, the foreign national must extend their legal permanence in Portugal on the Aliens and Borders Service, until there is a decision of the residence permit request.</p> <p>If granted, the foreigner will get a temporary residence permit issued for 1 year, with the possibility of renewal.</p> |
|  | Slovak Republic | Yes | <p>No. A seriously ill foreigner (for example, the foreigner has been hospitalised for a longer period of time) whose departure is not possible and his/her detention is not purposeful may be granted a tolerated stay. This kind of tolerated stay may have a temporary nature and may enable foreign nationals to legalise their stay in the Slovak Republic until the obstacle to their departure is removed. When the reason for which a tolerated stay permit was granted ceases to exist, a foreign national shall be obligated to notify the Alien Police Department of this fact within 3 days from the day of learning about it. The Alien Police Department shall revoke the tolerated stay permit and simultaneously determine a reasonable time limit for the foreign national's departure of maximum 30 days from the decision's finality, when it determines that the reason for which the tolerated stay permit had been granted ceased to exist. A foreigner may be also granted a temporary stay permit (for maximum 2 years) for the purpose of medical treatment/therapy if needed, this permit may be issued also to the person accompanying the patient.</p> |
|  | Spain | Yes | <p>1.-Yes. In accordance with the Regulations of Organic Law 4/2000 of 11 January, foreigners in Spain who suffer from a serious supervening illness may apply for a temporary residence permit (one year) for humanitarian reasons by virtue of the requirements listed below. (Note: obviously, this question refers to those foreigners who are irregular immigrants).</p> <p>2.- According to Article 45.4 of said Regulations, a permit may be granted for humanitarian reasons to foreigners when:</p> <ul style="list-style-type: none"> - they certify having a serious supervening illness which requires specialized healthcare, - this healthcare cannot be accessed in their country of origin, and - the fact that interrupting or not receiving such healthcare would entail a serious risk to the foreigner's health or life. <p>3. In order to prove the need for this healthcare, a medical report issued by the corresponding health authority will be required.</p> <p>4. The foreigner must present the application (except in the case of minors or persons with disabilities, in the name of which a legal representative may apply) for the temporary residence permit issued for exceptional circumstances (which does not require a visa) unto the competent body for processing in person, and accompanied by the following documentation:</p> <ul style="list-style-type: none"> a) A passport or travel document valid in Spain, with a minimum validity period of four months. b) Documentation which certifies a serious supervening illness which requires specialized healthcare. |

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| | | | <p>The competent body which processes this permit may require these or other documents necessary for justifying the reasons for the application, and will advise the applicant that if said documentation is not presented within the time set forth in the notification, which shall not exceed one month, the application will be withdrawn and the processing of the applicant's case discontinued.</p> <p>Likewise, the competent body may require the applicant to appear in person for the purpose of holding a personal interview. (In the event an interview is held, at least two representatives of the Administration as well as an interpreter, when necessary, must be present. A report of the contents of the interview is signed by those attending and a copy of such report is given to the interested party.) If the representatives of the Administration conclude that there is sufficient evidence for doubting the identity of the persons, the validity of the documentation or the veracity of other circumstances upon which the application is founded, the denial of the permit will be recommended and a copy of the report will be submitted to the competent body for deciding on the matter. In the event any doubts arise as to the criteria to follow, the competent body will remit the corresponding consultation to the Director General for Immigration.</p> <p>The foreigner must personally apply for the foreigner identification card within one month from the time he/she is granted the temporary residence permit for exceptional circumstances.</p> <p>On another hand, it is convenient to point out that this temporary residence permit for exceptional circumstances may be renewed for an additional year (in this case, it is inferred that the circumstances which motivated the granting of the permit continue to exist).</p> <p>Renewal must be requested 60 calendar days prior to the expiry of the permit in effect. As long as the application is filed within the specified time period, the validity of the previous permit shall be extended until a resolution concerning the procedure is made. (When the application is filed within three months counting from the date of expiration of the previous permit, without prejudice to the institution of penalty procedures by virtue of the breaches of legislation incurred, the permit shall also be extended until a resolution concerning the procedure has been made .) Thus, through successive renewals, long-term residency may be acquired.</p> <p>Finally, it is also worth pointing out that the person who holds a temporary residence permit granted for exceptional circumstances may, upon its renewal, request its change to a residency permit or a work and residence permit, as long as all of the legal requirements set forth for the granting of these residence and/or work and residence permits are complied with. As in the previous case, through successive renewals, long-term residency may be acquired.</p> |
|  | <p>Sweden</p> | <p>Yes</p> | <p>Q1: According to the Swedish Aliens Act (SAA) people who suffer from serious illness can be granted permission to reside in Sweden permanently (5 chapter 6 § SAA) or, if the illness is temporary or if is necessary to receive temporary treatment, for a limited time (5 chapter 9 § SAA).</p> <p>Q2: Residence permit according to 5 ch. 6 § is given on the grounds of “particularly distressing circumstances” This locution also comprise other circumstances than illness. With regard to illness the ailment may be a life-threatening physical or mental disease or a very serious disability. The assessment should take into consideration if treatment is at all available in Sweden, and if such treatment can be expected to result in a significant and durable improvement of the health condition, or is necessary for the applicant to remain alive. One</p> |

Disclaimer: *The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

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| | | | <p>should also consider if treatment is available in the country of origin or in some other country to which the foreigner can be sent. Even if better treatment may be given in Sweden than in the country of origin this does not per se motivate granting a residence permit. Illness may also be taken into consideration together with such circumstances as the applicant's family situation (whether the applicant have close relatives living in Sweden), his adaptation to Sweden and his situation in the country of origin. A combined assessment of these elements shall be made, in which the level of seriousness of the illness may be lower, but still result in residence permit if the other elements are fulfilled. For children illness and the other elements does not need to be as serious or have the same weight as is the case with adults.</p> <p>Q3: A medical certificate concerning the illness, its seriousness, the necessary treatment and the prospects for recovery must be handed in. The certificate must fulfill the formal requirements decided by the National Board for Health and Welfare. The content of the certificate is assessed by the officer in charge of handling the case for residence permit together with a decision maker. If deemed necessary a doctor with specialist competence can be appointed to submit an assessment of the illness. This can be done if the medical certificate is difficult to understand, if there is insufficient motivations for its conclusions, when the conclusions are contrary to what is stated in other evidence and when the conclusions can be doubted due to the Migration Board's own knowledge of the case. This doctor normally only assess the contents of the medical certificate and makes no own examination of the patient.</p> <p>Q4: The applicant is allowed to remain in Sweden during the time when his application is examined. If the application is rejected he has the right to appeal. If his application is finally rejected, he must leave Sweden within four weeks. If he does not do this by himself, he is deported by force.</p> <p>If the application is granted, the applicant receives either a permanent residence permit or a temporary residence permit (cf. answer on Q1 above)</p> |
|  | United Kingdom | No | The NCP answered but requested no further dissemination beyond EMN and COM. |
