



Ad-Hoc Query on subsequent applications
Requested by EMN NCP BG on 3rd May 2010

Compilation produced on 11 June 2010

Responses from Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom (19 in Total)


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1. Background Information




The following Ad-Hoc Query was requested by the Director of the Registration-and-Reception Centre of the Bulgarian State Agency for Refugees.

It would be very much appreciated if we could receive our answers by **17 May 2010**.

2. Responses

		Wider Dissemination? ¹	<ol style="list-style-type: none"> 1. How is the problem with subsequent applications solved? 2. What happens to asylum seekers who have no grounds to be granted protection (they were denied asylum) but yet they cannot be returned to their country of origin?
	Belgium	Yes	<p>1) A multiple asylum application is first examined by the Immigration Department in order to see whether it can be taken into consideration or not. For a new asylum application to be considered, new elements that could not have been produced during the previous application(s), must be presented. If the Immigration Department ascertains that new elements have been provided, the new application will be examined by the Commissioner General for Refugees and Stateless Persons. If the Immigration Department decides that new elements are not provided, the applicant will receive an order of expulsion or return or an order to leave the territory. An appeal (non-suspensive effect) against this decision can be lodged with the Aliens Litigation Council, within 30 days.</p> <p>In Belgium, FEDASIL (Federal Agency for the Reception of Asylum seekers) is responsible for the reception of asylum seekers. Applicants will be assigned to a reception facility, where they will receive material aid (no financial aid). Until recently, every applicant, no matter how many applications he/she filed before, had a right to reception. Due to the recent asylum seekers' reception crisis, new measures were taken: Asylum seekers may, from the third subsequent asylum application, be excluded from the right to reception/material aid (except medical care). This requires however a decision from Fedasil, that can still allow reception. This is a new rule (Article 4 of the Reception Act from April 12, 2010). When the Immigration Department ascertains that new elements have been provided, the new application will be examined by the Commissioner General for Refugees and Stateless Persons and this also implies that the applicant regains his/her right to reception/material aid. If not, the applicant has, in most of the cases within 5 days after the notification of this decision, to leave the reception facility, also when he would lodge an appeal for annulment with the Aliens Litigation Council, as this appeal has as such no suspensive effect. The applicant loses his right to reception/material aid and only has access to urgent medical care.</p> <p>2) we refer to our reply to your previous ad-hoc query: "Ad-hoc query on the status of foreigners who have no grounds to reside on the territory of a Member State but who cannot be returned to their country of origin"</p>

¹ A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

	<p>Bulgaria</p>	<p>Yes</p>	<p>1. Subsequent applications are a serious issue for us. According to the additional provisions of the Law on Asylum and Refugees for the purposes of this Act:</p> <p>6. "Subsequent application" shall mean an application for status in the Republic of Bulgaria which was submitted by a foreigner whose refugee or humanitarian status has been revoked or discontinued or in case the status determination procedure in the Republic of Bulgaria has ended with an effective decision.</p> <p>Refugee status or humanitarian status is not granted with respect to a foreigner whose application is manifestly unfounded, (where conditions under article 8(1) and (9), respectively article 9(1), (6) and (8) are not met) and the foreigner has submitted a subsequent application which does not contain any new circumstances of substantial significance for his/her personal situation or relevant to his/her country of origin.</p> <p>The right to receive shelter and food and the right to receive social welfare allowance according to the procedure and in the amount applicable to Bulgarian nationals are not granted to a foreigner who does not belong to a vulnerable group and submits a subsequent application for status determination.</p> <p>2. The provisions of the Law on the Foreigners in the Republic of Bulgaria apply regarding a foreigner for whom a decision for refusal, termination or withdrawal of a status has been enacted, or regarding whom the proceedings have been terminated.</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1) As provided for in Section 10a of the Asylum Act No. 325/1999 Coll., if a foreign national repeatedly filed an application for granting of international protection without stating any new facts or findings the application for international protection shall be inadmissible. In such case the procedure shall be discontinued in accordance with Section 25 of the Asylum Act. Thus the procedure takes usually only few days during which the foreign national has all rights connected with the status of asylum seeker, including accommodation, food, health care etc.</p> <p>2) In case that the departure of the foreign national is not possible since there are reasonable concerns that if such foreign national is returned to the country of origin he/she would be under threat of serious harm, he/she may be granted subsidiary protection or visa for the purpose of leave to remain in the Czech Republic.</p>
	<p>Denmark</p>	<p>Yes</p>	
	<p>Germany</p>	<p>Yes</p>	<p>1.</p> <p>Applications are considered to be subsequent applications if the asylum-seeker makes an asylum claim after having</p>

obtained a final negative decision on a previous claim or after withdrawing a previous claim.

Section 71 (1) of the Asylum Procedure Act (Follow-up application) states:

(1) If, after the withdrawal or non-appealable rejection of a previous asylum application, the foreigner files a new asylum application (follow-up application), a new asylum procedure shall be conducted only if the conditions of Section 51 (1) through (3) of the Act Administrative Procedure Act are met; [...]

Section 51 (1) - (3) of the Administrative Procedure Act (Resumption of proceedings) provides:






(1) The authority shall, upon application by the person affected, decide concerning the annulment or amendment of a non-appealable administrative act when:

- 1. the material or legal situation basic to the administrative act has subsequently changed to favour the person affected;*
- 2. new evidence is produced which would have meant a more favourable decision for the person affected;*
- 3. there are grounds for resumption of proceedings under section 580 of the Code of Civil Procedure.*




(2) An application shall only be acceptable when the person affected was, without grave fault on his part, unable to enforce the grounds for resumption in earlier proceedings, particularly by means of a legal remedy.


(3) The application must be made within three months, this period to begin with the day on which the person affected learnt of the grounds for resumption of proceedings.




An assessment of the merits of a subsequent application will take place only if the applicant presents new facts or evidence, which through no fault of the applicant was not presented during a previous asylum procedure. If an asylum-seeker fails to produce new facts or evidence or fails to make a repeat application within the time limit (see above: Section 51 (3) Administrative Procedure Act), no new asylum procedure will be conducted. In such a case, removal is possible, once the Federal Office for Migration and Refugees has informed the local Aliens Office that there will be no assessment on the merits of the claim. Removal can be effected before a written decision on the claim has been served on the applicant. The applicant can appeal a negative decision on a subsequent application before the Administrative Court.




			<p>2.</p> <p>Even if the Federal Office for Migration and Refugees decides that the asylum-seeker is not entitled to asylum, it is obliged to assess, whether subsidiary protection (based on Article 15 of the Qualification Directive) has to be granted.</p>
	Estonia	Yes	<p>1. In Estonia we have only a few cases of subsequent applications in a year.</p> <p>2. According to the Act on Granting International Protection to Aliens, an alien who contests a decision concerning an application for asylum in court has the same rights and obligations as an asylum seeker during the term for contestation. An alien has the same rights and obligations as an asylum seeker during judicial proceedings if the court has suspended the compulsory execution of the precept to leave concerning the alien. The decision to reject an application for asylum and to expel an alien may be contested with an administrative court within ten days as of the date of notification of the decision. The said decisions shall not be contested by way of challenge procedure. The contestation of the decision to expel an alien or permission of an administrative court shall not postpone expulsion. Contestation of the decision to reject an application for asylum shall not postpone expulsion, unless the court has suspended the execution of the precept to leave.</p>
	Ireland	Yes	
	Greece	Yes	
	Spain	Yes	
	France	Yes	<p>1. Procedure for the re-examination of applications for asylum (subsequent applications)</p> <p>The asylum seeker whose application was denied can benefit from the re-examination of his application with the OFPRA (French Office for the Protection of Refugees and Stateless People). However, he has to present new facts that occurred after the decision of the OFPRA or the CNDA (National Court of Asylum) that justify his fears in case of return to his country of origin.</p> <p>To request the re-examination of his application for asylum by the OFPRA, the foreigner must submit a new application for residence in</p>

		<p>the prefecture of his department. This application is treated as a first application.</p> <p>In principle, the asylum seeker under re-examination is registered in priority procedure (procédure prioritaire in French) and is not granted a residence document when filling the new application for asylum.</p> <p>In case of refusal of his re-examination, the foreigner is entitled to appeal to the National Court of Asylum within one month after such notification.</p> <p>If the re-examination of the application is accepted, then the foreigner is placed under the protection of the OFPRA.</p> <p>The asylum seeker will then be granted a residence permit by the prefecture according to the nature of the protection he has obtained:</p> <ul style="list-style-type: none"> - a residence card of 10 years for asylum if he has been recognized as a refugee; - or a temporary residence permit of one year if he is granted subsidiary protection. <p><u>Rights of asylum seekers during the re-examination of their applications</u></p> <p>Asylum seekers who have made a subsequent application, with the exception of humanitarian cases reported by the OFPRA, cannot benefit from the temporary allocation (10.67 Euros a day) paid to asylum seekers waiting for their accommodation in a reception centre, according to article L. 5423-9 1°, introduced by the Finance Law N° 2008-1425 of December 27th 2008 for 2009.</p> <p>Only those who, exceptionally, have been issued a residence document, can access a reception centre for asylum seekers (CADA in French). Those who were not granted a new temporary residence document "asylum" cannot be admitted in CADAs. They have instead access to the system of emergency accommodation.</p> <p>They have no right to work.</p> <p>2. Except when they are allowed to stay in France for one of the reasons provided by the CESEDA (Code regarding Entry, Residence and Asylum), foreigners whose application for asylum was rejected are subject to a removal order under article L.511-1 of the Code, which provides that a removal order “establishes the country to which the foreigner will be sent back if he does not meet the deadline for voluntary return.”</p> <p>Article L.511-4 makes provision for several categories of foreigners who cannot be subject to a removal order, according to their age, their duration of stay in France, their family situation, their health status or their nationality (for nationals of Member States of the EU, a State party to the agreement on the European Economic Area or of Switzerland who benefit from the right to permanent stay.)</p> <p>Besides, Article L.513-2, last paragraph, provides that “a foreigner cannot be removed to a country if he proves that his life or freedom are threatened in that country or he is exposed to treatments contrary to the provisions of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.”</p>
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	Italy	Yes	<ol style="list-style-type: none"> 1) In case of subsequent application before the Territorial Commission decision, the factors that underlie the new application are examined in the previous application (Art.31 of Legislative Decree 28 January 2008, No. 25 on "Implementation of Directive 2005/85/EC"). 2) When the Territorial Commission does not approve the application for international protection (because inadmissible or unfounded) or requires the withdrawal of status, the Commission considers that there may be serious humanitarian reasons to prevent the expulsion into the country origin or provenance and submits documents to the Police Headquarter (Questura) for the issuance of residence permits on humanitarian grounds, as Article. 5, paragraph 6, of Legislative Decree No 286/1998. Against any refusal to grant a residence permit the applicant may appeal to civil court.
	Cyprus	Yes	
	Latvia	Yes	<p>1. The Asylum Law provides following regulation for subsequent (repeated) applications: <u>Section 32. Repeated Application</u> (1) If an unfavourable decision for an asylum seeker has come into effect and become non-disputable, the relevant person is entitled to submit a repeated application in case when conditions which were the basis for taking of the</p>

			<p>decision have changed in his or her favour. After evaluation of the conditions referred to in the repeated application an official shall take a decision regarding the acceptance of the application for examination or the leaving thereof without examination.</p> <p>(2) A decision of an official regarding leaving of a repeated application without examination may be appealed by the relevant person or authorised person <i>in the District Administrative court</i>. During examination of the complaint the relevant person shall not be considered to be an asylum seeker.</p> <p>(3) An official shall evaluate the conformity of the repeated application with the conditions of Section 20, Paragraph one (<i>refugee status</i>) and Section 23, Paragraph one (<i>subsidiary form of protection - alternative status</i>) of this Law if a decision has been taken regarding the acceptance of the application for examination.</p> <p><u>Section 14. Decision regarding Leaving an Application Without Examination</u></p> <p>(1) A decision regarding leaving an application without examination shall be taken by an official if [...] following conditions exist:</p> <p style="padding-left: 40px;">4) an asylum seeker has submitted a repeated application in the Republic of Latvia after a decision regarding the refusal to grant refugee or alternative status has come into effect and become non-disputable, and it does not contain new information which might serve as justification for granting refugee or alternative status.</p> <p>2. If asylum request is refused and asylum seeker cannot be returned to his/her country of origin provisions of Immigration Law or Law On Stateless Persons could be applied (<i>No such cases in practice so far</i>).</p>
	<p>Lithuania</p>	<p>Yes</p>	<p>1. Lithuanian laws do not foresee special cases for subsequent asylum applications. If the subsequent asylum application is lodged, the competent authority examines the motives provided by the asylum seeker. If the asylum application contains new circumstances which are related to the criteria of granting refugee or subsidiary protection status and which previously were not examined, such asylum application is examined in substance according to the general procedure. If the asylum application contains circumstances which were already provided in the previous application for asylum and they were examined in substance and final decision was made or if the asylum application is based entirely on economical reasons which do not lead to granting international protection, such asylum application is being examined in substance by accelerated procedure.</p> <p>2. Asylum seeker who was not granted asylum in Lithuania, and there are no possibilities to return him or her to his or her country of origin, that is, when:</p> <ul style="list-style-type: none"> - the country of origin, where the rejected asylum seeker could be returned to, refuses to take him back; or - the person is in need of urgent medical assistance, when this is confirmed by consultative body of doctors of a

			<p>medical care institution; or</p> <p>- the rejected asylum seeker cannot be returned due to objective reasons (the alien doesn't have a valid travel documents, there are no possibilities to obtain travel tickets, etc); -</p> <p>In such cases the return of the rejected asylum seeker is suspended. If the above mentioned circumstances persist for 1 year from the suspension of the return decision, the person obtains a temporary residence permit which is valid for 1 year. When this residence permit expires, but the above mentioned circumstances still persist, the person obtains a new residence permit which is valid for 1 year. If the alien, whose return has been suspended, in this way obtains 5 temporary residence permits, afterwards he or she can apply for a permanent residence permit in Lithuania.</p>
	Luxembourg	Yes	
	Hungary	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Malta	Yes	<p>Question: How is the problem with subsequent applications solved? What happens to asylum seekers who have no grounds to be granted protection (they were denied asylum)</p> <p>During the period 2009-2010 there has been a significant increase in the number of subsequent applications. According to Article 7A of the Refugees Act a failed asylum seeker (i.e. after his/her case has also been rejected at appeals stage) can make a subsequent application to the Commissioner for Refugees. However, the Refugee Commissioner is not obliged to accept that subsequent application because a subsequent application shall only be considered if the person presents new elements or findings relating to the examination of whether the person making the subsequent application qualifies as a refugee and of which the applicant was not aware or which he could not have submitted earlier. The person submitting a subsequent application shall indicate facts and provide evidence to justify the start of the procedure and submit the new information from the day on which the person making the subsequent application obtained such information.</p>

			<p>a) Hence if the new request does not satisfy any of these criteria, the Refugee Commissioner can conclude that this request does not fulfill the criteria requested by law.</p> <p>b) If the subsequent application is accepted, then the applicant is registered as an asylum seeker and would have the benefits entitled to asylum seekers by law.</p> <p>As regards to the second question, rejected asylum seekers (at first instance) have the right to appeal and the appeal has suspensive effect. If applicants are rejected at the appeal stage, then their case will be passed on to the immigration police.</p>
	Netherlands	Yes	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Poland	Yes	<p>1. Pursuant to the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, application shall be inadmissible if upon receipt of final decision on refusal of granting the refugee status, the applicant submitted new application based on the same reasoning. If the authority carrying the proceedings states that the application is inadmissible, issues a decision on discontinuing the proceedings due to the inadmissible character of the application.</p> <p>In case the applicant submits subsequent application for granting the refugee status the execution of the decision on expulsion shall not be withheld. It is also admissible to issue a decision on obligation to leave the territory of the Republic of Poland or the decision on expulsion. However, the Head of the Office for Foreigners may withhold execution of the decision on expulsion until the date of delivering to the foreigner a final decision in the matter of granting a refugee status <i>if</i> this is justified by legitimate interest of the party, is not contrary to social interest and submission of subsequent application was not aimed at delaying rendering a decision of expulsion <i>or</i> in delaying or disturbing execution of such decision.</p> <p>According to the provisions of the abovementioned act a foreigner who submitted successive application for granting the refugee</p>

status before lapse of two years period from the date of being provided with assistance in voluntary return, shall be entitled exclusively to medical care and social assistance in form of monetary benefit amounting to 1/3 of monetary benefit granted to the foreigner on general terms and conditions (social assistance is granted in the centre or in a form of financial means for covering the costs of stay in the territory of the Republic of Poland).

If it appears in the course of procedure carried in connection with successive application for granting the refugee status that there were new circumstances related to persecutions or the risk of incurring serious injury, compared to those indicated by the foreigner in previous proceedings, the Head of the Office for Foreigners shall, by means of decision, grant to the foreigner assistance on general terms and conditions. However, it has to be noted that the foreigner is entitled to the assistance if already at the stage of submitting the application he had indicated new circumstances related to persecutions or the risk of incurring serious injury in his/her country of origin.

2. A foreigner, who does not fulfill the terms and conditions to be granted a refugee status, can be granted:

- 1) supplementary protection (EU harmonized protection status granted in Poland), or
- 2) permit for tolerated stay (non-EU harmonized protection status granted in Poland) if there are no circumstances justifying granting supplementary protection.

According to the provisions of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Article 15), a foreigner is granted **supplementary protection** in case in which his/her return to the country could expose him to actual risk of incurring serious injury through:


awarding a penalty of death or performing the execution,
tortures, inhuman or humiliating treatment or punishment,
serious and individualized threat to life or health resulting from common use of violence to civil population in the situation of international or internal armed conflict



- and in view of this risk he/she cannot or does not want to enjoy the protection of the country of origin.




On the basis of the Article 97 sec. 1 point 1 or 1a of the aforementioned act, a foreigner shall be granted the **permit for tolerated stay** on the territory of the Republic of Poland if his/her expulsion:


may be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to tortures or inhumane or degrading treatment or punishment, or could be forced to work or deprived the right to fair trial, or could be punished without any legal grounds – within the meaning of the Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;

would violate the right to family life within the meaning of Convention for Human Rights and Fundamental Freedoms signed in Rome on November 4, 1950 or would violate the child's right determined in the

			<p>Convention on Child's Rights adopted by General Assembly of the United Nations on November 20, 1989, to the extent making threat to psychophysical development of such child (the provision does not apply in the event in which further stay of foreigner on the territory of the Republic of Poland makes threat to state security or defence or for public safety and public order).</p> <p>Additionally, in a situation when a decision on expulsion has been already issued to a foreigner (in case of non-existence of any circumstances justifying granting the supplementary protection or permit for tolerated stay, the decision in which the applicant shall be refused granting the refugee status shall also award her/his expulsion) it is possible to issue to him/her the permit for tolerated stay if his/her expulsion is unenforceable due to reasons beyond the authority executing the decision on expulsion or beyond this foreigner.</p>
	<p>Portugal</p>	<p>Yes</p>	<p>1. According to the legal framework (Act n.º 27/2008, of 30th of June) in the article 33º - 1) the alien or stateless person to whom the right of asylum has been denied, notwithstanding the lapse of the timeframes provided for in the respective judicial impugnation, may submit a subsequent application, whenever he/she has new elements of proof which allow him/her to benefit from the right of international protection or when he/she believes the reasons that caused the decision of inadmissibility or the refusal of the application for asylum have ceased.</p> <p>2) The subsequent application is addressed to Aliens and Borders Service and should be prepared including all documentary evidence which have founded its submission, and Aliens and Borders Service may grant the applicant with a reasonable period of time to submit new facts, information or documentary evidence.</p> <p>3) Aliens and Borders Service notifies the representative of UNHCR and the Portuguese Refugee Council as soon as the subsequent application is submitted to it.</p> <p>4) Aliens and Borders Service carries out the preliminary judgment of the application within 10 days counting from its submission or the date of submission of the elements, which according to the provisions of no. 2, have been required from the applicant.</p> <p>5) When from the preliminary judgment signs arise indicating that the applicant meets the conditions to benefit from the right of asylum, the procedure follows the provisions of articles 27 and following ones, the production of evidence, which is in favour of the applicant, and have already been made in the previous procedure may be excused.</p> <p>6) If the national director of Aliens and Borders Service comes to the conclusion that new documentary evidence has not been submitted, he pronounces a decision of the application's inadmissibility, notifying immediately the applicant on the reasons for the decision, taking into consideration the result of the preliminary judgment, as well as the possibility of judicial impugnation, before administrative courts, in general terms and with the mere purpose of devolution.</p>

			<p>2. When the applicant is in national territory, the notification of the decision mentioned in the previous number should also mention that the former should leave the country within 20 days and is subject to the legal system (Act 23/2007, 4th July) of entry, stay, exit and removal of aliens from national territory at the end of that timeframe, except when the applicant already benefits from a more favourable timeframe, pursuant to the provisions of this law.</p>
	Romania	Yes	
	Slovenia	Yes	<p>1) International protection Law states that a third country national or a stateless person whose application in the Republic of Slovenia has already been finally rejected, or has explicitly withdrawn the application, may file a new one only if he/she submits new evidence proving that he/she meets the conditions for acquiring international protection. The new evidence shall occur after the issue of a preliminary decision, or may have existed already during the first procedure, although the person referred to in the preceding paragraph did not enforce these due to justified reasons. The persons who wants to lodge subsequent application must file an application with the competent authority for the introduction of a new procedure. In such application, the person shall produce evidence justifying the procedure. Until the competent authority does not allow ne international procedure a person does not enjoy rights of applicants of international protection except all basic procedural guarantees.</p> <p>2)</p> <p>Permission to stay in the Republic of Slovenia shall be granted if deportation or return of an alien to a country in which his/her life or freedom would be endangered on the basis of race, religion, nationality, membership of a special social group or political conviction, or to a country in which the alien would be exposed to torture or to inhumane and humiliating treatment or punishment, or if removal is not possible for other reasons.</p> <p>An alien who has been granted a temporary stay in the Republic of Slovenia shall have the right to emergency health insurance pursuant to the act governing healthcare and health insurance and basic treatment, while minor alien schoolchildren shall also have the right to basic education.</p> <p>Permission to stay is provided for in Aliens act (Zakon o tujcih (uradno prečiščeno besedilo) (ZTuj UPB6), available at: http://www.uradni-list.si/1/content?id=93562</p>

			Please note that ICMPD has just recently collected data in a special questionnaire. Please refer to them if any further information is required.
	Slovak Republic	Yes	<p>1. Two situations may occur in case of subsequent applications:</p> <ul style="list-style-type: none"> - when the asylum seeker states the same reason and the decision on his/her application has been taken – i.e. it is rejected as manifestly unfounded, the procedure is suspended according to the Act on Asylum (No. 480/2002) - in case of stating a different reason as in the previous application a new procedure is commenced. The Act on Asylum does not regulate how many times the subsequent application can be lodged. <p>2. Foreigner whose application for asylum has been rejected and who can not be from various reasons returned to his/her country of origin, can apply for a tolerated stay permit. Grounds and conditions for granting such a permit are regulated by the Act on Stay of Aliens (No. 48/2002, Article 43 and 44). Foreigners whose stay in the Slovak Republic is illegal (they have no residence permit) and their departure from the country is not possible from objective reasons independent from their will (e.g. health reasons, theft of the travel document, need to provide for an emergency travel document, cancellation or postponement of the planned flight or other serious circumstances) can apply for a tolerated stay permit. Grounds for granting such a permit are regulated in the Act on Stay of Aliens (No. 48/2002, Article 43, paragraph 3, 4, 5 and Article 44). Concerning the review of grounds not allowing the departure from the country these are considered on an individual case by case basis. The tolerated stay permit is only temporary, i.e. that after the expiration of the grounds for which it was granted the foreigner has to leave the country.</p>
	Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Sweden	Yes	<p>1. In Sweden we don't use a system with subsequent applications in the way you do in Bulgaria. Protection status or humanitarian status is given, if the applicant meets the requirements, one occasion in one single procedure. In the case of a negative decision the asylum applicant can lodge an appeal to one of three Migration Courts</p> <p>According to the Swedish Alien Act, chapter 12, there is a possibility to for an applicant, in cases concerning the enforcement of a refusal-of-entry or expulsion order that has become final and non-appealable, to invoke new circumstances. Such cases are quite common in</p>

			Sweden.
	No	Yes	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.