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## SUBSIDIARY PROTECTION: TEMPORARY SHELTER OR A CHANCE TO SETTLE IN?

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### INTRODUCTION

“Refugee” is a commonly used term in describing a migrant seeking protection although not everyone who is granted international protection is a refugee. Subsidiary protection is a lesser known form of international protection even though it is granted to a large number of asylum seekers in many European Union (EU) countries. There are some substantial differences between refugee status and subsidiary protection. One of the main differences is that as compared to a refugee status, subsidiary protection is more temporary. There is a real chance that after several years, subsidiary protection will be withdrawn which means the end of the legal basis for residence in the host country. However, countries promote integration of all foreigners, including beneficiaries of subsidiary protection. An analysis of legal regulations shows that a person who has actually integrated into the host country is provided with opportunities to stay in this country even after the end of subsidiary protection. There are conditions when it is possible to apply for a residence permit. These conditions can be met if actual integration in the host country has been achieved while having subsidiary protection status. The fact that people very often return to their home country when their subsidiary protection is withdrawn, instead of applying for a new residence permit, leads to the assumption that people are not prepared for this withdrawal. That is, they do not understand how real the possibility of the withdrawal of subsidiary protection is or they are not aware of other options for residence in the host country after the withdrawal. This shows that there is a lack of information about the status of subsidiary protection, its temporality and the possibilities in the host country beyond this status. If this information was provided at the appropriate time, which is when the subsidiary protection is granted,

the beneficiary of subsidiary protection could consciously participate in the integration activities, collect proof of completion and be prepared to apply for a new residence permit based upon this formal integration. Therefore, this paper emphasises the need for a simplified set of practical information about what may happen after the end of subsidiary protection which should be presented right at the beginning of this protection. It should be noted that given that subsidiary protection is regulated at the EU level, this paper presents the general situation in all Member States with specific examples in Lithuania (which is also a member of the EU).

## DEFINITIONS

The foundation of international protection is provided by the 1951 Convention relating to the Status of Refugees (Refugee Convention). It defines the term of a refugee and lays down the basic minimum standards for their treatment. The Common European Asylum System of the European Union is based upon the Refugee Convention and explicitly acknowledges this Convention as a fundament of the international obligations of the EU Member States towards refugees (Jankū, 2017). However, the scope of the Common European Asylum System was intended to be wider than the Refugee Convention. This led to further legislation at the EU level, one of the main instruments being the Council Directive 2004/83/EC of 29 April 2004 and later its recast – Directive 2011/95/EU of the European Parliament and of the Council 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 (Qualification Directive). The Qualification Directive provides minimal standards to be adopted by Member States. This implies that the norms of the Qualification Directive determine the general situation of international protection provided to asylum seekers in all Member States of the EU (including Lithuania), keeping in mind that in some countries the level of protection may be even higher. The Qualification Directive extends beyond the remit of the Refugee Convention by setting out two forms of protection available under EU law: refugee status, for persons qualifying as refugees under the Refugee Convention

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definition, and subsidiary protection, for those who do not meet the criteria for refugeehood but face serious harm due to certain human rights violations in their country of origin. Through this dual form of protection, the EU creates a complementary legal category of protected persons distinct from refugees (AIDA, 2016). The Qualification Directive defines a person eligible for subsidiary protection as a third-country national or a stateless person who does not qualify as a refugee but as one where substantial grounds have been shown for believing that the person (if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence) would face a real risk of suffering serious harm as defined in Article 15 and to whom Article 17(1) and (2) does not apply and is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country (Article 2(f)). Serious harm consists of: (a) the death penalty or execution, (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict (Article 15). The national legislation in Lithuania has essentially the same definition of subsidiary protection (Republic of Lithuania Law on the Legal Status of Aliens, Article 87).

### **REFUGEE STATUS VERSUS SUBSIDIARY PROTECTION**

As stated above, under the EU law both refugee status and subsidiary protection are types of international protection. The content of protection that is guaranteed by the Qualification Directive in the majority of instances is the same to both refugees and persons eligible for subsidiary protection. In general, the rights and benefits attached to both international protection statuses are the same, reflecting the fact that the requirements of all persons in need of international protection are broadly similar (Bauloz, Ruiz, 2014). For example, the Qualification Directive guarantees some rights to all beneficiaries of international protection (people who have been granted either refugee status or subsidiary protection status) including, but not limited to, protection from refoulement and access to information, employment, education, healthcare, accommodation, integration facilities and freedom of movement within the state.

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However, refugee status and subsidiary protection should not be understood as one and the same. The Court of Justice of the European Union has clearly affirmed that the subsidiary protection provided by the Qualification Directive is complementary and additional to the protection of refugees enshrined in the Geneva (Refugee) Convention (case C-604/12). It is understood that there is a hierarchy of forms of protection, securing the primacy of the Refugee Convention and its refugee status. Given that the Qualification Directive makes it explicit that beneficiaries of subsidiary protection are those who do not qualify as refugees (Article 2(f)), it is clear that an examination of the refugee status has to precede that of subsidiary protection. In order to grant refugee status, a well-founded fear of persecution as well as one of the specific reasons for this persecution have to be established. And only when these conditions are not met, yet when it is clear that there is a risk of serious harm, subsidiary protection may be granted. This hierarchy of forms of international protection and the secondary nature of subsidiary protection determine the situation when some important benefits connected to subsidiary protection are significantly lesser than those afforded to refugees. The second paragraph of Article 20 of the Qualification Directive states that the content of international protection will apply to both refugees and persons eligible for subsidiary protection. However, this article also allows exceptions. The main areas in which the benefits of refugees and beneficiaries of subsidiary protection are substantially different are residence permits and social welfare. The general rule of the Qualification Directive, regarding social welfare, is that Member States will ensure that beneficiaries of international protection receive, in the Member State that has granted such protection, the necessary social assistance as provided to nationals of that Member State. However, the Qualification Directive provides a discretion for Member States to limit social assistance granted to beneficiaries of subsidiary protection status to core benefits which will then be provided at the same level and under the same eligibility conditions as nationals. This possibility does not exist in the case of refugees. In addition, while refugees have a right to be issued residence permits of at least three years (and are renewable), residence permits for beneficiaries of subsidiary protection are limited to a minimum of just one year (in the case of renewal – a minimum of two years) (Qualification Directive, Article 24). Therefore, even though the general goal is to unify the content of both international protection forms, there are still some substantial differences. This results in subsidiary protection being a clearly less favourable form of protection. Nevertheless, the statistics shows that in nearly half of the countries

that have this dual international protection system, it is much more common to grant subsidiary protection rather than refugee status (Postel, Barder, 2016).

## **TEMPORALITY OF SUBSIDIARY PROTECTION**

Subsidiary protection is secondary as compared to refugee status. This means that subsidiary protection exists in order to provide some sort of protection in situations that are not as serious as for those that require refugee status. This also leads to the assumption that these situations may not be permanent and eventually change. One of the grounds to acknowledge that an asylum seeker could face a real risk of suffering serious harm in his home country, as defined by the Qualification Directive, is when there is serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict (Article 15(c)). The assumption is that any armed conflict in modern society is temporary and, as such, the need for subsidiary protection is not permanent. As a result, when the Qualification Directive was first adopted in 2004, there was a much more significant difference in the level of rights that were granted to beneficiaries of subsidiary protection and refugees. Nevertheless, the reality is that the need for subsidiary protection is often just as long lasting as that for the protection of refugees. This understanding led to a recasting of the Qualification Directive in 2011 that has resulted in a more unified set of benefits attached to both forms of international protection.

However, as stated above, there are still some differences between refugees and beneficiaries of subsidiary protection. One of the main differences is the duration of residence permit. The Qualification Directive only guarantees a one-year residence permit. It should be pointed out that the Qualification Directive provides only minimal guarantees. Twenty-one out of 28 EU Member States maintain more favourable standards than the threshold of the Qualification Directive, many of which specifically afford greater security of residence to persons qualifying for subsidiary protection. However, the residence permits for beneficiaries of subsidiary protection are temporary in all Member states – the duration varies from one to

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five years (AIDA, 2016). For example, specifically in Lithuania, beneficiaries of subsidiary protection are issued temporary residence permits for a period of two years (Republic of Lithuania Law on the Legal Status of Aliens, Article 48).

In addition, there is always a risk of the revocation, cessation or a refusal to renew subsidiary protection status. According to the Articles 16 and 19(1) of the Qualification Directive, cessation in the context of subsidiary protection requires that: there is a change of circumstances, protection is no longer required (owing to a change of circumstances) and there are no other grounds which make the person concerned eligible for subsidiary protection (EASO, 2016).

This means that the beneficiaries of subsidiary protection can be sure of their position in the host country for only a limited period of time. There is always a risk that the protection will end once the residence permit expires or there is a change of situation in the home country. As the residence permit is directly connected to being granted international protection, after the end of subsidiary protection, the legality of residence in the host country may also end.

## **CURRENT PRACTICES AND FUTURE CHALLENGES**

This situation which puts beneficiaries of subsidiary protection into a much more difficult position as compared to that of refugees has been criticised. One of the main steps that has been taken in order to improve the situation of beneficiaries of subsidiary protection was the recasting of the Qualification Directive. This led to a guarantee of a higher level of protection in many ways and essentially the only limitation left was the short duration of residence permits. In practice, subsidiary protection is not as temporary as it was in the past as the duration of residence permits can be prolonged. Admittedly, this has only been gradually achieved in many countries. However, the fact that residence permits for the beneficiaries of subsidiary protection have a shorter duration and are not permanent is understandable considering that subsidiary protection is granted in less severe situations as refugee status.

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Therefore, it is proposed that the main effort should be put into providing timely and extensive information about the position in which beneficiaries of subsidiary protection find themselves both now and in the future. Only then can these individuals feel secure about their situation in the host country despite the temporary nature of the residence permits that are issued to them.

### **OPTIONS FOR AN EXTENSION OF SUBSIDIARY PROTECTION**

Keeping in mind that subsidiary protection might be withdrawn after a certain period of time, this form of international protection should be understood not as a permanent position but only as the first step that can be used for integration into the host country. For this reason, it is proposed that individuals who want to settle, without fear of being forced to return to their home country, should find other legal grounds to live in the host country as soon as possible. This section presents some of the main ways for how integration in the host country can be used to minimise the chances that the individual will have to leave the country at the end of subsidiary protection. It should be noted that examples are based upon Lithuanian law. However, the underlying basis is very similar to any other EU Member State, considering that they are all part of the Common European Asylum System.

### **RESIDENCE PERMITS BASED UPON WORK OR OTHER LEGAL ACTIVITIES IN THE HOST COUNTRY**

People who were granted asylum (including subsidiary protection) are encouraged to work or engage in other legal activities in the host country. Having the right to work is important to both people who were granted international protection and the society of the country which has granted it. Successful economic integration is achieved where foreigners contribute to the economic growth of the host state

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and receive income ensuring the livelihood of foreigners and their families. For this reason, legislation establishes a number of measures that help foreigners to participate in the labour market of the host country.

Article 26(1) of the Qualification Directive establishes that Member States will authorise beneficiaries of international protection to engage in employed or self-employed activities subject to rules generally applicable to the profession and to the public service immediately after protection has been granted.

At the national level, according to Article 58.1.1 of the Republic of Lithuania Law on the Legal Status of Aliens, foreigners granted subsidiary protection are exempt from the obligation to obtain a work permit. These persons can, therefore, start to work under an employment contract as soon as they receive a residence permit in Lithuania. In accordance with Articles 2.2. and 2.7. of the Law of the Republic of Lithuania on Individual Income Tax, persons granted asylum in the Republic of Lithuania may engage in individual activity on the grounds of an individual activity certificate or a business certificate. Such persons may also engage in other legal activity and incorporate various undertakings.

What is more, beneficiaries of subsidiary protection may receive extra assistance to participate in the labour market. According to Articles 44 to 47 of the Integration Procedure approved by an order of the Minister for Social Security and Labour, integration funds may be used to support a person who has been granted asylum and who incorporates his or her own business in order to obtain a business certificate or a license and to purchase or lease work equipment (Pilinkaitė-Sotirovič, Biekša, Ivašauskaitė, Žibas, 2016).

This shows that people who were granted subsidiary protection are encouraged to work in the host country as soon as possible. They can participate in the integration programmes to get necessary new skills and use the help to enter the local labour market.

Moreover, individuals who are actively engaged in the labour market of the host country should not be afraid of the withdrawal of their subsidiary protection. If there were no longer the basis for subsidiary protection, these people could get a residence



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permit based upon their legal activity in the country. According to Article 40 of the Republic of Lithuania Law on the Legal Status of Aliens, a temporary residence permit may be issued or renewed to an alien who: intends to take up employment in the Republic of Lithuania pursuant to provisions of Article 44 of this law, intends to take up highly qualified employment in the Republic of Lithuania pursuant to the provisions of Article 44(1) of this law, engages and intends to engage in lawful activities in the Republic of Lithuania pursuant to provisions of Article 45 of this law or intends to engage in lawful activities related to the introduction of new technologies or other innovations that are significant for economic and social development of the Republic of Lithuania, pursuant to provisions of Article 45(1) of this law.

It should be pointed out that not any job can be a basis for a residence permit. There may be specific requirements such as the amount of the salary, the duration of the employment, the size of the investment in the company and others. These requirements connected to specific grounds for a residence permit are laid down by the law.

Therefore, participation in the labour market of the host country can become a legitimate basis for a residence in this country after the withdrawal of subsidiary protection.

## **FAMILY RELATIONSHIPS**

The importance of family relationships is emphasised in many international documents: for example, the International Covenant on Civil and Political Rights (Articles 17, 23), the European Convention on Human Rights (Articles 8, 14), the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification and others. The first paragraph of Article 8 of the European Convention on Human Rights establishes the right for everyone to have respect for both private and family life. Even though no right for an alien to enter or reside in a particular country is guaranteed by this Convention (B.A.C v. Greece), the removal of a person from a country where close members of his or her family are living may amount to an infringement of the right to respect for family life as guaranteed

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by Article 8(1). Such an interference will infringe the European Convention on Human Rights if it does not meet the requirements of Paragraph 2 of this article; that is, unless it is “in accordance with the law,” motivated by one or more of the legitimate aims under that paragraph and “necessary in a democratic society.” That is to say that it is justified by a pressing social need and, in particular, proportionate to the legitimate aim pursued (case C-60/00).

It is possible to create new family relationships while having subsidiary protection. The respect of private and family life means that the circumstances regarding existing family relationships in the host country may be the ground to legalise an alien’s residence status in a given country.

According to Republic of Lithuania Law on the Legal Status of Aliens, one of the grounds for being issued a temporary residence permit is the case of family reunification (Article 40.1.3). A temporary residence permit may be issued to an alien by virtue of family reunification if: the alien’s parents, child, spouse, person with whom a registered partnership has been contracted or a first-degree relative in the direct ascending line are citizens of the Republic of Lithuania (or hold a residence permit – in specific situations), reside in the Republic of Lithuania or even in particularly difficult circumstances when related to divorce or dissolution of a registered partnership or death of a family member (Article 43.1).

Family relations also have a great impact upon preventing deportation or expulsion decisions from being made. Therefore, all information about family members who reside in a host country should be known to the authorities. These circumstances should be evaluated and may be the reason for not ordering the expulsion of a person who lives in the country illegally (for example, whose subsidiary protection has been withdrawn). Case law from the European Court of Human Rights states that countries have a right to expel foreign nationals if this is necessary for the maintenance of public order. However, such decisions, if they limit the rights protected by Paragraph 1 of Article 8 of the European Convention on Human Rights, must be necessary in a democratic society; that is to say, justified by a pressing social need and, in particular, proportionate to the legitimate aim pursued (*Mehemi v. France*).

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Therefore, if a person has family in a Member State, these relationships should be analysed prior to making any decision concerning this person's legal status in the country. If a person created family relationships while he or she had subsidiary protection, these circumstances may very likely form the basis for a new residence permit or a decision not to expel an alien who technically is illegally in the country (when subsidiary protection has already been withdrawn).

### **REQUIREMENTS FOR A RESIDENCE PERMIT**

It should be pointed out that even if there is a basis for a residence permit (a job opportunity, family relationships, studies or other circumstances), it does not automatically mean that this residence permit will be issued. There is a list of conditions with which a person has to comply in order to get a residence permit. The law defines specific situations when the question of the issuance of a residence permit can even be considered. A person who seeks to be issued a residence permit in Lithuania should have health insurance, sufficient means of subsistence or receive regular income and suitable residential premises in the country (Republic of Lithuania Law on the Legal Status of Aliens, Article 26). This means that before applying for a residence permit, a person has to prepare to fulfil all specific conditions and collect all of the necessary documentation. In the case of a person having subsidiary protection, it is, therefore, suggested that the preparation to fulfil these conditions should be done before the end of subsidiary protection. As all of these conditions are obligatory and some of them take time to fulfil, only the fact that the person has integrated is not enough. It is the responsibility of a person to collect all of the necessary documentation to prove the compliance with the grounds for a new residence permit.

## **RIGHT OF APPEAL**

There are two separate decisions that are issued if the grounds for subsidiary protection cease to exist: the first decision is simply to withdraw subsidiary protection and the second one determines a person's further prospects as a resident in the Republic of Lithuania. This second decision is based upon the fact that there are no legal grounds for residence in Lithuania anymore. Accordingly, this second decision may impose an obligation to leave the Republic of Lithuania, a decision to return an alien to a foreign state or to expel the alien from the Republic of Lithuania.

Case law from the Supreme Administrative Court of Lithuania shows that people usually make arguments about integration in Lithuania only when they appeal the decision to withdraw subsidiary protection. The Court has said in previous cases that when deciding upon the withdrawal of subsidiary protection and the residence permit, the responsible authority (Migration Department) does not have to assess circumstances such as social and (or) economic links with the Republic of Lithuania (case eA-3010-662/2017).

However, these arguments are mostly relevant later; that is, when appealing the second decision that is issued. When imposing an obligation to leave the Republic of Lithuania, a decision to return an alien to a foreign state or expel the alien from the Republic of Lithuania, the relevant factors that are taken into account are: the length of stay in the Republic of Lithuania, the family relationship with persons residing in the Republic of Lithuania; existing social, economic and other ties with the Republic of Lithuania, whether or not he has minor children studying under a formal education programme/programmes in the Republic of Lithuania and the nature and extent of the dangerousness of the committed offence (Republic of Lithuania Law on the Legal Status of Aliens, Article 128.1).

The relevant factors that are listed in the law are quite abstract. This means that generally any circumstances that show a connection with the country can have relevance when deciding to allow the person stay in Lithuania. Every situation is evaluated individually. Therefore, it is not possible to specify concrete arguments

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that would be relevant in a particular case. Accordingly, any available arguments (for example, relationships, studies, work or volunteering, participation in cultural activities, knowledge of the language, etc.) as well as supporting documents should be provided to the responsible authorities and courts.

Case law from the Supreme Administrative Court of Lithuania demonstrates that even though the arguments regarding integration are frequently made, they usually are dismissed as unfounded. This happens because applicants usually provide only general claims about the fact of integration but do not give any specific explanation or documentation that could prove these claims. Therefore, it is important to collect documentation that can prove ties with Lithuania. Only then can the specific information that is provided to the authorities have a real impact upon the decision of a person's legal status.

## **PERMANENT RESIDENCE PERMIT**

There are situations when the circumstances that lead to the issuance of subsidiary protection last for a longer period of time. In this case, residence permits are renewed every two years. But it is important to note that the Republic of Lithuania Law on the Legal Status of Aliens also provides the possibility for an individual to receive a permanent residence permit in these situations. An alien may be issued permanent residency if he has resided in the Republic of Lithuania uninterruptedly for the last five years while holding a temporary residence permit. There are specific rules in the Republic of Lithuania Law on the Legal Status of Aliens for how to count the period of residency in situations of aliens who were granted subsidiary protection (Articles 53.1.8, 53.9.1). However, the general rule is that a person can make use of this situation when the grounds for subsidiary protection do not cease to exist for a longer period of time and transform them into permanent residency in Lithuania.

An alien who seeks permanent residency in these situations usually has to be present in the country legally, have health insurance and sufficient means of subsistence and

(or) regular income. There is also a requirement to pass an examination in the state language and an examination in the basic principles of the Constitution of the Republic of Lithuania (Republic of Lithuania Law on the Legal Status of Aliens, Articles 53.3, 53.6).

This regulation shows that actual integration can provide opportunities to have the legal basis for a long-term life in Lithuania. Knowledge of the local language as well as of fundamental law can help to transform a temporary residence permit into a permanent one.

### **IMPORTANCE OF TIMING AND THE EXTENT OF INFORMATION**

The previous section has presented an extensive yet not exhaustive list of possibilities for how integration that has been achieved while having subsidiary protection can subsequently be transformed into other legal grounds for residence. Accordingly, it would seem that the temporary nature of subsidiary protection should not necessarily clash with the goal of integration for all foreigners. However, recent case law shows that people are very often surprised when their subsidiary protection is being withdrawn, when they do not use the argument of integration in order to stay in the host country or when they fail to use this argument correctly, be it at the wrong time or without any substantial proof to support their generalised claims. As such, this suggests that people who were granted subsidiary protection are not always completely aware of the details of their status, its temporary nature and the steps that have to be taken in order to stay in the host country for a longer period of time; that is, after the withdrawal of subsidiary protection. For this reason, it can be suggested that extensive information about the details of their status as well as an explanation about the importance of integration should be presented to the individual simultaneous to granting subsidiary protection.

Having extensive information means both knowing the details of subsidiary protection and the importance of real integration into the host country. First of all, it should be very clearly explained, in a language understood by the individual,

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that there is a real possibility of the withdrawal of subsidiary protection. The list of decisions that may be issued in this instance should be presented and the effect of each of these decisions should be explained. In this way, the beneficiary of subsidiary protection can be (emotionally and practically) prepared for the change in status. However, it is also very important to detail all the rights and benefits that beneficiaries of subsidiary protection have and how these can be used as an instrument for the possibility of achieving long-term residency.

This information would make beneficiaries of subsidiary protection prepared for any decision concerning their status. That means both knowing the effect that these decisions may have and the possibility (or the need) to appeal them. If subsidiary protection is withdrawn from an alien, he is entitled to make use of state-guaranteed legal aid (Republic of Lithuania Law on the Legal Status of Aliens, Article 90.5). However, state-guaranteed legal aid does not necessarily imply that a lawyer will give enough time or attention to the case. Therefore, this sometimes results in situations where it becomes the responsibility of a beneficiary of subsidiary protection to specify to his or her lawyer what exact legal actions to take. In this case, the information about other legal ways to stay in the host country (some of which are presented in this paper) could help to identify what kind of action is to be taken in the specific situation.

Knowing about the possibilities for how to transform integration into other legal grounds of residency would also provide a feeling of security despite shortcomings in comparison to refugee status. It also gives the individual the motivation to make an active effort to integrate into the host country because of the evident benefit for the future. Additionally, this also has an effect upon the society as it is much easier to accept foreigners who actively participate in the social life of the host country.

Nevertheless, the timing of this information is also very important. Having all information about subsidiary protection status when it is granted, and its differences from refugee status, helps to create a concrete action plan. First of all, it gives the opportunity to appeal the decision to grant subsidiary protection if a person believes that there are grounds for granting refugee status (case eA-2084-756/2015). But it also helps him or her to be prepared in the future – if a decision about a change of status is issued later. It also provided motivation to proactively use the rights

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that beneficiaries of subsidiary protection have in order to become a member of society in the host country. That is, learning the language, studying, finding a job and participating in the social life right from the start, rather than only after there being a risk of losing it. Additionally, if individuals were aware that there might be a need to prove their integration in order to be granted a new residence permit, they could collect the evidence of their integration right from the start. In this situation, it would be much easier to apply for a new residence permit or participate in the court cases meaningfully. Most importantly, immediately having all of the information about their status would help beneficiaries of subsidiary protection feel more active in their future plans and prospects which is very significant to a person whose position is uncertain by its nature. It would also encourage them to integrate actively into the host country, given the clear benefits.

Admittedly, there is already a great deal of information that is provided to beneficiaries of international protection, including standard booklets of essential facts. However, it is obvious that there is the lack of a specific meeting with the individual who has been granted subsidiary protection where all of the questions are answered and the connection between integration and residency in the future is detailed. Therefore, I would argue that that there is a great need for more systematically presented information.

## CONCLUSION

Practice shows that beneficiaries of subsidiary protection very often lose their status after several years when the situation in their home country and the grounds for protection are revised. The temporary nature of subsidiary protection has been criticised with some changes having resulted (for example, residence permits for the beneficiaries of subsidiary protection are becoming more long-term in many countries). However, this form of international protection is different from refugee status and it is granted in situations that are deemed to be less severe. Therefore, it will probably always be less beneficial to have subsidiary protection.



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Nevertheless, it does not necessarily mean that having subsidiary protection will automatically result in a temporary life in the host country. The legal regulations provide opportunities to use integration in order to legitimise further residency in the host country. If an individual is actively involved in the social life of the host country (job, studies, relationships), there are ways to transform it into the basis for a new residence permit. The fact that these transformations are not very frequently granted and that individuals often do not know what to do when their subsidiary protection is withdrawn shows an obvious lack of information. It should be explained more clearly to beneficiaries of subsidiary protection that their status may only be for a limited period of time and what they can do to stay in the host country for longer. Understanding what it actually means to have a subsidiary protection status and how it can be used in order to become part of the society in the host country is a necessary condition for asylum seekers to feel more secure and confident about their future.

This paper suggests that integration in the host country that is achieved while having subsidiary protection can be used later (even after the withdrawal of this status) in order to legitimise further residency. There are multiple specific examples of the legal regulations presented in this paper that show how exactly it can be done. Hopefully, these examples can prove to be useful when familiarising beneficiaries of subsidiary protection with their status and the possibilities that may exist after the end of this status. As such, it can be used as a basis for developing an information package for subsidiary protection. It can also be helpful when choosing a specific action plan in order to remain in the host country indefinitely. Taking this into account, the options presented in this paper can be used both by the organisations that work with asylum seekers and provide them with legal consultation as well as the asylum seekers themselves.

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