

People in Tolerated Stay in Iceland:

A claim for a
dignified life

Executive summary



This is an executive summary of the report "*People in Tolerated Stay in Iceland: A claim for a dignified life*" by Karla Johnson and Jordi Cortes. It presents the key findings of qualitative research conducted by Rauði krossinn á Íslandi (RKÍ) during the second half of 2022, including semi-structured interviews with people in a Tolerated Stay situation in Iceland.



Key findings

People in a so called "Tolerated Stay" situation live with no legal defined rights in Iceland. In some occasions, for over 5 years. This leaves them with extreme limited rights: no access to *kennitala*, no access to higher education, limited health care and grave difficulty to obtain a work permit.

Most people in Tolerated Stay cannot work due to the impossibility of them getting a work permit. All participants who RKÍ interviewed who were not working expressed their desire to find work. However, they were frustrated as it is legally impossible for them to do so once their passport has expired - which was the case for most of them.

People in Tolerated Stay in Iceland want to live a dignified life. Participants explained they want to be able to study, work, fend for themselves, see family members and, in their words, "live a normal life".

Children of people in Tolerated Stay born in Iceland who RKÍ interviewed have an unrecognized citizenship. From the research conducted, it was found that the Icelandic Authorities register these children under their parents' nationality. Simultaneously, their parents' home country does not recognize them. Consequently, these children fall within the legislative gaps and do not have legal recognizing documents or citizenship, leaving them extremely vulnerable.

People on Tolerated Stay interviewed presented extremely worrying deterioration of their physical and mental health. All participants explained how their situation has affected their health, with extreme physical health issues, impossibility to sleep, depression and, in some occasions, suicidal thoughts.

"I feel like I am not counted as a human in this country, where are the human rights?"

When talking to the 15 participants of the study conducted by RKÍ about what it was like living in a Tolerated Stay (TS) in Iceland, this is what a man had to say. People in a TS have been in Iceland, on some occasions, for over 5 years. They live in a constant legal limbo that does not allow them to move forward with their lives.



What is "Tolerated Stay"?

Tolerated Stay (TS) is a term used to refer to people in Iceland who have received a final decision on their asylum case, but their specific situation prevents the Icelandic authorities to send them back to their home country. Therefore, *their stay is tolerated*. This encompasses people who have applied for international protection and have received two or more negative decisions on their asylum applications. As of September 2022, there were a total of 64 people in Iceland in this situation. They receive the same services as an asylum-seeker, meaning that they live in social housing and receive a weekly allowance of 10.400 ISK in the case of an individual, and a maximum of 28.000 ISK in the case of a family[1].

"We live in a one-bedroom [social housing] apartment, and we are four. It's a bit difficult because we have a big wardrobe on the side. That wardrobe is not enough, not for four. It's just one bed, you know. Especially now that I am pregnant it's tight."

However, **TS is not a legally defining concept in Iceland.** This term is used to reference this group and highlight their reduced rights and limited options for a change in circumstances.

Who are they?

People in a TS situation are individuals and families, women and men, who are mainly from Nigeria and Iraq. They came to Iceland for various reasons and applied for International Protection. During the interviews conducted by the RKÍ, many shared the experiences that lead them to this country. In the case of two women, they were victims of human trafficking and sexual violence: Iceland is the only country where they have been able to find safety.

"I was a victim of human trafficking. [...] She [the head of the human trafficking scheme] is very connected, I cannot run from her. Anywhere she gets me. I can give her my money or disappear from her life. She is going to make sure she uses me as an example for everyone in that case. So, she keeps calling me. Even in Africa, she would send people to my parents house. She is harassing my people. Because of that, my people even get angry with me. And then I came to Iceland. So that is what brought me to Iceland."

The people from Iraq, who all identified as Kurds, explained they arrived in Iceland fleeing from violence. However, they compared their current situation as being trapped since they feel they have practically no options for a future.



“And my problem [in my home country] is serious obviously, if it wasn’t serious, I would not wait for 5 years. 5 years is a very long time, it has been very difficult 5 years, I have wasted my young life and my energy, my energy to work.”

What are the rights of someone in Tolerated Stay?

Being in TS translates into having the same rights as an asylum-seeker for a long undetermined period of time: **not having a kennitala** (Icelandic Social Security Number), **limited access to health care, no access to higher education, and having grave difficulty when obtaining a work permit.**

Not having a kennitala denies them the right to many basic services such as opening a bank account[2], or registering their address or children[3]. On the other hand, **obtaining access to a work permit** is a complicated process. First, this group needs to apply for a temporary residence permit. To obtain a temporary residence permit, they need to present an original copy of their passport. This condition may be waived in special circumstances[4], however, the exemption does not apply to people in TS as they have already received a final rejection for their application for international protection and they must, therefore, present a passport[5]. Having a valid passport can be challenging for many people in TS, as it may have expired while waiting for a decision in Iceland. To renew said ID, the person in question needs to travel to the nearest embassy of their home country (in Sweden, for the participants of this report). Travelling to such a country would require special permission from the Immigration Authorities. This permission is provided only to people with a residence permit on the grounds on International Protection[6]. Therefore, it is not possible for a person in TS to renew their passport once it has expired, and consequently, not possible for them to get a work permit.

“It really affected me mentally, to be sincere. I am not a lazy person. I like working. Because you don’t have the privilege, you don’t have the kennitala, you cannot work. You cannot get that stuff, you know. Just like you’ve been kept in a dark room.”

If they cannot access a work permit, they have **limited access to health care**. During interviews, participants spoke about how they are denied health procedures on this basis.

“I have a kidney stone and the doctor they don’t take surgery because the Immigration they not pay for me. [sic]”



This said, there were 3 cases of the 15 people interviewed that had managed to obtain a temporary work permit. As explained by participants, this permit must be renewed every six months or a year and comes attached to a temporary *kennitala*. It is important to highlight that this type of ID does not hold the same rights as a permanent *kennitala* and, therefore, **restricts their access to many rights and services**. For example, they need to pay a costly private health insurance that does not cover all their procedures.

“I pay the insurance and when I go to the hospital, they took three tubes of blood and I pay 130.000 [ISK] and when I call the insurance, they say <<we don't cover this>> so it means that I pay [insurance] for nothing.”

In line with the restrictions to rights, an important issue that came up when speaking to parents who have children born in Iceland is that these **children have unrecognized citizenship**. The children are registered under their parents' nationality. However, their parents' home country does not recognize them as citizens. Therefore, they do not have legal recognizing documents and are pushed to live in extremely vulnerable conditions. During the interviews, parents expressed confusion, deep worry and a feeling of hopelessness at the idea of not being able to give their children a better tomorrow.

“I would like to give my kids a better future. And you feel you can't do that.”

Grave consequences for their mental and physical health

Ultimately, people in a TS situation live in an **uncertain situation with no control over their future**. For those who do not have a work permit, it means they wake up and go to sleep, on a continuous loop. One participant described this feeling as being worse than jail.

“It's worse than jail, because somebody in jail they have one day, they have sentences so maybe after 2-3 years you will be human, a free. But I'm in the social house, but there is no way...I don't know when.”



Moreover, participants spoke about the **difficulty of being away from family**. They would like to bring them to Iceland, to safety. However, in the meantime, they are missing their children's childhood and not being able to say goodbye to family members that have passed away.



„This paper, I wrote it <<my daughter she has no... [pause from the translator after getting emotional] my daughter did nothing, why does she have to live without me. I'm here, but she is in another country, and she did nothing wrong>>. When I got here, she was only two years, now she is six years, and she goes to the school and she talks.“

All participants explained they have **difficulty sleeping** due to stress caused by their never-ending situation, describing feelings of isolation and depression. 3 participants openly expressed their suicidal thoughts.

„I'm not working, they don't accept me. So, this is making me... [Pause] I feel like maybe I want to end my life because if I don't take tablet to sleep I no sleep. See, it's depress medicine [medication for depression], they give me. Without this, I cannot sleep. This for sleep and this for depression. I don't know sleep, so I look myself and think that I want to kill myself.“

People in TS are given the option to be **returned to their home countries through the International Organization of Migration (IOM)**. When discussing this, participants expressed their **worries on what would await them** if they ever returned to their home countries.

„If they deport me to Nigeria I will die.“

This makes it clear that although being returned to their home countries is presented as an option for people in TS, participants do not see this as a real, viable alternative: living in their current situation is better than death.

A need and desire for a dignified life

People in TS want to live what they define as a "normal life". All throughout the interviews, participants spoke about wanting to contribute to society, to work, to be with their families and provide for them, to buy a house, to start a business; to ultimately, **live a dignified life**.

"Yes, I want to stay in Iceland, I want to have my family here, I want to get married here, I want to have kids before I have anything I cannot do none of it. I want to have something legal; I don't want to do something illegal, I want to have my own things. I want to get married and make a family for myself."



Conclusions and recommendations

The report seeks to highlight the voices of people in a TS situation and bring attention to the challenging conditions they live in while encouraging active change. From the interviews, it was gathered that this group wants to live a dignified life. However, the limited legislation and knowledge about them in Iceland has led them to be in a stagnant legal situation with difficulties to cover their basic needs, all while their well-being is suffering extreme deterioration due to this ever-on-going circumstance.

The following recommendations are proposed:

Creation of a legal framework that recognizes the existence of people in TS that provides them a pathway to access a legal status in Iceland beyond a TS.

Easier access to residence permits for people in TS in Iceland. To obtain a residence permit in Iceland, a person must be living in the country for 4 or more years[1]. This is the case for most people in TS. To be able to access this permit, a person needs to live during these years with a temporary residence permit. However, people in TS have not been able to do so. The report urges that people in TS are given easier access to residence permits, allowing them to regulate their situation in Iceland, and giving them access to a dignified life.

Easier access to work permits for people in TS in Iceland. The right to work is a fundamental human right[7]. The report urges that this group is given easier access to work permits that would allow them to be financially independent and improve their overall well-being.

Inquire into the current situation of children of people in TS born in Iceland with unrecognized citizenship. The report urges the Icelandic Government, as a driving force in children's rights and a country that acceded to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness[8], to assess the current legal citizenship recognition of the children of people in TS born in Iceland.



References

- [1] Reglugerðasafn, Dómsmálaráðuneyti: Reglugerð um útlendinga nr. 540/2017: <https://www.reglugerd.is/reglugerdir/eftir-raduneytum/innanrikisraduneyti/nr/20605>
- [2] Þjóðskrá, 2022. Þjóðskrá. [Online]
Available at: <https://www.skra.is/gogn/adgangur-ad-gognum/thjodskra/> [accessed 2.1.2023].
- [3] MCC, 2022. Fjölmeningarsetur Multicultural Information Centre. [Online]
Available at: <https://www.mcc.is/im-from-eea-efta/id-number/> [accessed 2.1.2023].
- [4] Ministry of Justice: Foreign Nationals Act 2016 no. 80, English version, Revisions Oct. 2021: https://www.government.is/library/04-Legislation/Foreign_Nationals_Act.pdf
- [5] UTL, 2022. Bráðabirgðadvalarleyfi fyrir umsækjendur um alþjóðlega vernd. [Online]
Available at: <https://island.is/bradabirgda-dvalar-atvinnuleyfi> [accessed 2.1.2023].
- [6] Information provided by Útlendingastofnun (The Directorate of Immigration) upon request of RKI.
- [7] UN, 1948. Universal Declaration of Human Rights, Paris: United Nations.
- [8] UNHCR, 2021. UNHCR welcomes Iceland's decision to join global efforts to end statelessness. [Online]
Available at: <https://www.unhcr.org/news/press/2021/1/6013f76f4/unhcr-welcomesicelands-decision-join-global-efforts-end-statelessness.html> [accessed 2.1.2023].

