



AD HOC QUERY ON 2019.4 AHQ regarding a regulation for the work and residence permit for specialized chefs for the Asian restaurants

Requested by NL EMN NCP on 15 January 2019

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia , EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Spain, EMN NCP Sweden, EMN NCP United Kingdom plus EMN NCP Czech Republic, EMN NCP Norway, Adolfo SOMMARRIBAS (26 in Total)

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1. Background information

Since 2014 there is a regulation in place with regard to the work and residence permit of chefs for the Asian kitchen in the Netherlands. The current temporary regulation will end on the 1st of October of 2019. The current regulation has some unforeseen unwanted side effects. Therefore the Netherlands is contemplating what a possible new regulation should entail. Considering this, we would like to gather some information about similar regulations in other European countries in order to learn from those regulations.

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2. Questions

1. 1) Is there a special regulation in place in your country regarding the entry of specialized chefs from third countries?

Available choices: Yes, No

2. a. If yes, is there a distinction with regard to the Asian cuisine and/or with regard to certain specific countries?

3. 2) How many specialty chefs from a third country are granted a permit in your country every year (can you please provide data for 2017 and 2018?)

4. 3) What are the conditions to qualify for the special regulation? In the regulation do you differentiate between the type of restaurants? (in case you do not have a special regulation can you please describe how you handle these cases in your Member State)

5. 4) How do you judge the qualifications of the applicant?

6. 5) Are there any complications or unwanted side effects when dealing with these cases?

7. 6) What is the (maximum) period of validity of the residence and/or work permit?

We would very much appreciate your responses by **15 April 2019**.

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3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. No In accordance with Art 12a Act Governing the Employment of Foreign Nationals, chefs can be admitted to the Austrian labor market as “skilled workers” (Red-White-Red Card). In principle, there are no particular provisions regarding specialized chefs from third countries. The only small exception is the new exchange program between Austria and the People’s Republic of China regarding the mutual admission of speciality chefs to the labour market, based on a bilateral agreement. The implementation will start in 2019 and the annual quota according to this agreement is currently 30 chefs per year (per country). The Chinese chefs are allowed to work for Chinese speciality restaurants in Austria for a maximum of three years under this agreement, without the possibility of renewal. The concept is similar to the respective regulations in Germany.---Source: Ministry of the Interior</p> <p>2. See Q1.---Source: Ministry of the Interior</p>

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 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>3. In 2017, 64 Red-White-Red Cards and in 2018, 100 Red-White-Red Cards were issued for qualified chefs. ---Source: Ministry of the Interior</p> <p>4. Each year, the Federal Ministry of Labor, Social Affairs, Health and Consumer Protection publishes a list of “Skilled workers in Shortage Occupations”. In 2019, the list includes “Restaurant chefs” under item 34. For foreigners qualifying as “skilled workers” a Red-White-Red-Card granting (limited) access to the Austrian labor market can be issued. The issuance of a Red-White-Red-Card requires proof of a completed pertinent vocational education, a minimum number of points that are determined by predetermined parameters, and receiving a salary reaching at least the minimum wage threshold for the intended occupation according to law, regulation or collective agreement plus the company’s customary overpayment. Furthermore, the general requirements must be met (for example, there must be no relevant reasons against the issuing based in the person of the foreigner, such as repeated violations against the law because of working without work permit during the past 12 months). There is no distinction regarding the type of restaurant (Art 12a Act Governing the Employment of Foreign Nationals). Alternatively, there is the possibility of seasonal employment in the area of tourism. Third-country cooks can receive seasonal work permits according to the applicable annual quota for seasonal work permits in tourism. In accordance with Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, seasonal employment is limited to a maximum of 9 months.---Source: Ministry of the Interior</p> <p>5. The qualifications of skilled workers are evaluated according to a specified list of criteria (Annex B to the Act Governing the Employment of Foreign Nationals; https://www.migration.gv.at/en/types-of-immigration/permanent-immigration/skilled-workers-in-shortage-occupations/). Skilled workers in shortage occupations from third countries are admitted to the Austrian labor market if they reach the specified minimum number of points and meet the remaining criteria set out in Art 12a Act Governing the Employment of Foreign Nationals (see Q3).---Source: Ministry of the Interior</p>
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			<p>6. So far we have not been aware of side effects or complications. However, in cases where applicants cannot prove the necessary qualifications, their applications are rejected.---Source: Ministry of the Interior</p> <p>7. Red-White-Red-Cards are issued for the duration of the employment contract plus 3 months. The maximum validity is two years (Art 41 para 5 Settlement and Residence Act). Subsequently, the foreigner may apply for an extension of the Red-White-Red-Card or – under specific conditions – for the Red-White-Red-Card plus which entitles its holder to fixed-term residence and unlimited labor market access. ---Source: Ministry of the Interior</p>
	EMN NCP Belgium	Yes	1. No
	EMN NCP Croatia	Yes	<p>1. No No, currently there are no special regulation regarding the entry of specialized chefs from third countries. This category of third country nationals are envisaged in annual quota for employment of third country nationals (under category international cuisine cooks).</p> <p>2. No, currently this category of third country nationals are envisaged in annual quota for employment of third country nationals (international cuisine cooks).</p> <p>3. International cuisine cooks: 2018. – 109 permits for international cuisine cooks. 2019. (up to 8 February)- 1 permit for international cuisine cooks.</p> <p>4. In practice, they are usually differentiated by the type of restaurants. Conditions are the same as for other third country nationals falling within the scope of annual quota.</p>

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			<p>5. Qualifications are judged as other third country nationals falling within the scope of annual quota.</p> <p>6.</p> <p>7. Up to one year.</p>
	EMN NCP Cyprus	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. N/A</p>
	EMN NCP Czech Republic	Yes	<p>1. No</p> <p>2. N/A</p>

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			<p>3. Granted general long-term residence permit for the purpose of employment2017: 4 chefs & 587 line cooks (46% the Chinese)2018: 1 chef & 792 line cooks (40 % the Chinese)</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. For this purpose are persons (chefs for Asian kitchen) issued by a permit called an employee card.The employee card is a new type of permit for long-time residence in the territory of the Czech Republic (CR) where the purpose of the foreign national' stay (longer than 3 months) is employment. A foreign national who has an employee card is entitled:1. to reside in the territory of the CR and, at the same time,2. to work in the job for which the employee card was issued, or3. to work in the job for which the Department for Asylum and Migration Policy of the Ministry of the Interior granted consent (in connection with changing employer, changing job, taking up employment with an additional employer or in an additional job).An employee card replaces the visa for a stay of over 90 days for the purpose of employment, a long-term residence permit for the purpose of employment and a Green Card, which will no longer be issued. Blue Cards will continue to be issued. An employee card is most often issued for the duration of the employer-employee relationship but not for more than 2 years, with an option to repeatedly extend its validity.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. No</p> <p>2. N/A</p> <p>3. No data available.</p>

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			<p>4. There is no special regulation in place. To work in Estonia as a chef for Asian kitchen a third country national can apply for a temporary residence permit for employment or apply for a visa and register for short-term employment. The third country national chefs, who apply for a temporary residence permit, are subject to immigration quota, they need a consent from the Estonian Unemployment Insurance Fund before being employed and their employer is obliged to fulfill the salary criteria. The TCN has to have the qualifications, training, state of health, work experience and the necessary professional skills and knowledge to assume such position. The employer assesses the qualifications of the employee when applying for the consent from the Estonian Unemployment Insurance Fund and submits the consent together with the invitation to the Police and Border Guard Board.</p> <p>5. See previous answer.</p> <p>6. No information available.</p> <p>7. The residence permit for employment can be issued for up to 5 years. Short-term employment is permitted for up to 365 days within 455 consecutive days.</p>
	EMN NCP Finland	Yes	<p>1. No</p> <p>2. N/a</p> <p>3. Data on all kitchen personnel, not readily available disaggregated by chefs.2017: 4762018: 607</p> <p>4. Kitchen personnel require a residence permit for an employed person, which entails a two-stage process with a labour market needs assessment. There are some regional exceptions, although kitchen personnel in ethnic restaurants always have the two-stage process.</p>

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			<p>5. A valid employment contract or a job offer to a restaurant that fulfils the employment conditions is required. The qualifications and the knowledge of the employment conditions can be ascertained by interviewing the applicant. If human trafficking is suspected, the applicant is always interviewed.</p> <p>6. Please see the response to the previous question, If there are suspicions of misconduct (breach of immigration regulations, employment conditions or lack of qualifications) or suspected human trafficking the applicant is always interviewed.</p> <p>7. A first residence permit is granted for one year (if the employment contract is not less than one year), the permit extension after that is four years if the employment conditions are maintained.</p>
	EMN NCP France	Yes	<p>1. No</p> <p>2. in 2014, a specific process was implemented to simplify and facilitate the reception of TCN cooks (not specifically Asian cooks), especially for the purpose of their training in France.</p> <p>3. non available</p> <p>4. a TCN cook can apply for a specific residence permit dedicated to foreign talents.</p> <p>5. his/her previous experiences and diplomas</p> <p>6. n/a</p> <p>7. the residence permit called "passport talent" is valid up to 4 years</p>

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	<p>EMN NCP Germany</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes 2. Yes, Section 18 of the Residence Act (Aufenthaltsgesetz) in conjunction with Section 11 subsection 2 of the Ordinance on the employment of foreigners (Beschäftigungsverordnung). No, the legal basis mentioned above applies regardless of the country of origin. However, Chinese, Indian and Thai chefs require an additional examination certificate proving they have completed a practical and theoretical cooking and hygiene test, which must be taken at an educational institution accredited by the (German) Federal Employment Agency in the country of origin. 3. In 2017, in all 1,063 visas were issued to speciality chefs (source: Bundestag printed paper 19/2035 of 8 May 2018, page 36). There are no figures available yet for 2018. 4. Permits can only be granted to speciality chefs for full employment in speciality restaurants. The remuneration must be comparable to that of a chef de partie and the working conditions must be no less favourable than those of comparable domestic employees. The quality of the restaurant and the number of its employees are taken into account. The menu of the restaurant must be oriented to the typical cuisine of the applicant's country of origin. Snack bars, catering companies and delivery services are not recognised as speciality restaurants. 5. As part of its participation in the visa procedure, the Federal Employment Agency examines the menu and business description of the speciality restaurant, the employment contract and the applicant's curriculum vitae, references and other qualifications. The chef must be able to cook typical dishes according to original recipes. His or her professional qualification must generally be proven by an apprenticeship lasting a minimum of two years at a vocational school as well as additional on-the-job training of at least two years in qualified companies. 6. No problems have been raised in the exchange of experience between the foreigners authorities of larger cities in the past three years, so there is nothing to indicate there have been any such complications or unwanted side effects.
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			<p>7. The permit is granted for the first time for a maximum of one year. With extensions, the maximum period of validity can be four years. After that, there is a blocking period of three years before the person concerned can be granted any such permit again.</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. No</p> <p>2.</p> <p>3. For the years 2017-2018 the available vacancies for chefs for foreign kitchen in Greece were 166 and 5 more available vacancies for cooks for Vietnamese cuisine.</p> <p>4. There is no special regulation regarding the entrance of specialized chefs from third countries. A third-country national may enter and reside in Greece for the purpose of working as a chef or as an Asian kitchen chef, only if this kind of job specialty has been included in the joint ministerial decision which determines the volume of admission. Specifically, a decision of the Ministers for Migration Policy, Foreign Affairs, Development & Competitiveness, Shipping & the Aegean, Labour, Social Security & Welfare, issued within the last quarter of every other year, shall determine the maximum number of paid employment posts offered to third-country nationals per region and speciality. The same decision may make provisions for increase in the maximum number of posts up to 10% in order to meet any contingencies, and any other relevant details. The issue of the above joint ministerial decision must be subject to the opinion of: (a) the Economic and Social Committee, (b) the Manpower Employment Organisation (OAED), and (c) the country's Regions, at the request of the Ministers for Migration Policy and Labour, Social Security & Welfare, relating to existing labour needs in Greece. These needs shall be specified mainly on the following criteria: consultation between a region and employers, the interests of national economy, the feasibility of employment, the supply of workforce from Greek nationals, EU citizens or thirdcountry nationals who legally reside in Greece by speciality, and the unemployment rates per field of employment. An employer who wishes</p>

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			<p>to hire personnel for purposes of paid employment, based on the posts included in the joint ministerial decision referred above, shall lodge an application with the competent agency of the decentralised administration in his area of residence, stating the number of posts, the details and nationality of the third-country nationals to be employed, the speciality, and the duration of employment. The application shall be accompanied by: (a) an effective labour contract for at least one year in Greece, demonstrating that the remuneration is at least equal to the monthly remunerations payable to unskilled workers, and (b) a tax clearance note or a copy of tax statement demonstrating the employer's ability to pay the monthly remuneration as set out in the labour contract. The secretary general of the competent decentralised administration shall issue an instrument authorising the paid employment of a third-country national by a specific employer only if the relevant speciality and the number of posts provided for in the joint decision referred above have not been filled. The relevant authorisation shall be forwarded to the competent Greek consular authority, together with the labour contract, signed by the employer. The competent Greek consular authority shall notify interested third-country nationals who have been granted an authorisation for entry to Greece for the purpose of paid employment. Interested persons shall appear in person at the above authority to sign the relevant labour contract and receive a national visa, subject to the general and special provisions on visas. The authorisations for employment in Greece shall be forwarded by the decentralised administrations to the relevant consulates either by mail or at the request of the interested employer, provided that the latter shall pay the delivery costs. For the years 2017-2018 the available vacancies for chefs for foreign kitchen in Greece were 166 and 5 more available vacancies for cooks for Vietnamese cuisine. Moreover, we do not have any special regulation for different type of restaurants.</p> <p>5. The qualifications of the applicants are judged by the employers.</p> <p>6. Until today, the decentralized administrations have not pointed out any unwanted side effects regarding the above procedures for chefs.</p> <p>7. This residence permit has a duration of two years and may be renewed every three years.</p>
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	<p>EMN NCP Hungary</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No 2. N/A 3. N/A 4. N/A 5. Document proving the professional qualification is needed. 6. N/A 7. General rules apply: The validity period of a residence permit granted for the purpose of employment may not exceed the term specified in the specialist authority's assessment (max 2 years).
	<p>EMN NCP Ireland</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No There is currently no special regulation in place in Ireland regarding the entry of specialised chefs specialising in specific third country cuisines. Prior to March 2018 there was a special regulation in place regarding the entry of four specific chef levels including 'specialist chefs', all specialising in non-EEA cuisine. This regulation was changed in March 2018 to cover the following categories of chef that may be granted an employment permit: Executive Chefs with minimum 5 years' experience at that level; Head Chefs with minimum of 5 years' experience at that level; Sous Chefs with minimum of 5 years' experience at that level; Chef de Partie with minimum of 2 years' experience at that level. 2. The regulation regarding 'specialist chef' which was in place up to March 2018 did not include a distinction for Asian cuisine, but covered all cuisines originating outside of the EEA.

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			<p>3. 2017: 251 - inclusive of all four chef levels eligible at the time - it is not possible to give definitive numbers for one specific chef level. 2018: 376 - inclusive of all four chef levels eligible across two regulations, prior to and after March 2018.</p> <p>4. The conditions attached to the current regulation regarding the entry of four specific chef levels, regardless of type of cuisine, are:- a minimum level of experience at that level of chef applied for,- a restriction as to the maximum number of permits that can issue of these occupations of chef levels listed per establishment as two,- the maximum number of permits that may issue for these occupations of chef levels is 610, plus- other general terms and conditions common to other occupations and permit type also apply as standard, i.e. minimum remuneration etc</p> <p>5. Applications for permits for these occupations of chef levels require evidence of previous experience at that level to be attached to the application for consideration.</p> <p>6. N/A</p> <p>7. The maximum period of validity of the employment permit for eligible occupations of chef is up to two years, renewable up to a maximum of five years.</p>
	EMN NCP Italy	Yes	<p>1. No</p> <p>2. N.A.</p> <p>3. Data not available.</p> <p>4. In Italy, the management of cases relating to highly qualified chefs from third countries is regulated through the provisions of the Legislative Decree on Immigration N. 286/98 (Testo Unico – T.U.) dedicated to entry and residence for highly qualified workers (Article 27 quater), as well as in the context of intra-corporate transfers (Article 27</p>

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			<p>quinquies). Specifically, Article 27 quater of Legislative Decree n. 286/98 establishes that - outside the maximum quota of third country nationals to be admitted into the territory of the State as established by the flow decree for reasons of subordinate employment, seasonal work and for self-employment, taking into account family reunification and temporary protection measures (Article 3 paragraph 4 of Legislative Decree No. 286/98) – “entry and stay for periods exceeding three months is allowed to third country nationals, hereinafter referred to as highly qualified third country nationals workers, who intend to carry out paid work performance on behalf of or under the direction or coordination of another natural or legal person and who are in receipt of: (a) the higher education qualification issued by the competent authority in the country where it was obtained, certifying completion of a course of higher education lasting at least three years and a higher professional qualification, as per levels 1, 2 and 3 of the ISTAT classification of the CP professions 2011 and subsequent modifications, attested by the country of origin and recognised in Italy; b) of the requisites foreseen by the legislative decree n. 206 of the 6 November 2007, limited to the exercise of regulated professions”. The territorial Chief of Police (“Questore”) issues to the highly qualified third country national worker authorised to carry out work activities a residence permit bearing the heading “EU Blue Card” in the heading “type of permit”. The residence permit is issued, following the signing of the employment contract and the communication establishing the employment relationship, with a duration of two years, in the case of a permanent employment contract, or with a duration equal to that of the employment relationship plus three months, in other cases. For the EU Blue Card holder there are limitations, for the first two years of legal employment in the national territory, both in relation to the exercise of work performance other than “highly qualified”, and with regard to the possibility of changing employer. In the first case, there is an absolute prohibition, in the second the changes must be authorised preliminarily by the competent Territorial Labour Departments. The reunification of family members is recognised, regardless of the duration of the residence permit, to the general conditions provided for in Article 29 of the Legislative Decree on Immigration N. 286/98. Furthermore, according to the provisions of Article 9 ter of Legislative Decree no. n. 286/98, the third country national holder of the EU Blue Card issued by another Member State and authorised to stay in Italy under the conditions set out in Article 27-quater, may request the Questore to issue an EU</p>
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			<p>residence permit for long-term residents, provided that he demonstrates: (a) that he has resided legally and continuously for five years in the territory of the EU as holder of an EU Blue Card; b) to be in possession, for at least two years, of an EU Blue Card permit pursuant to article 27-quater. The EU Blue Card holders, in possession of the requisites provided above, are issued by the Questore with an EU residence permit for long-term residents, bearing the wording "Ex holder of Blue EU card" in the section "notes". Article 27 quinquies of Legislative Decree n. 286/98 establishes that entry and stay in Italy to perform subordinate work in the context of intra-corporate transfers for periods exceeding three months is allowed, outside the quotas referred to in Art. 3, par. 4, to third country nationals who stay outside the territory of the EU at the time of application for admission or who have already been admitted to the territory of another Member State and who apply to be admitted to the national territory as: a) managers; b) highly qualified workers possessing the specialised knowledge essential for the sector of activity, the techniques or the management of the host entity, evaluated other than with respect to the specific knowledge concerning the host entity, also in the light of the possession of a high qualification, including adequate professional experience, for a type of job or activity that requires specific technical knowledge, including any membership in an accredited professional register. By "intra-corporate transfer", we mean the temporary secondment of a third country national - who at the time of the request for a work permit is located outside the territory of the EU - by a company established in a third country, to which the third country national is linked by a work relationship that lasts for at least three months, to a host entity established in Italy, belonging to the same company or to an enterprise belonging to the same group of companies pursuant to Article 2359 of the Civil Code. Intra-corporate transfer includes cases of mobility of third country national workers between host entities established in different Member States. Moreover, "host entity" means the legal venue, branch or representation in Italy of the company on which the transferred employee or company belonging to the same group depends.</p> <p>5. See answer to question n.4.</p> <p>6. No.</p>
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			7. See answer to question n.4.
	EMN NCP Latvia	Yes	<p>1. No</p> <p>2. N.A.</p> <p>3. 2017 - 274 persons (chefs from Asian countries who have been granted permits)2018 – 330 persons (chefs from Asian countries who have been granted permits)</p> <p>4. As there do not exist any special rules regarding specialized chefs, we follow strictly to the general law. The first step is that the employer reports the vacancy and approves the invitation, and after the invitation has been approved the employee submits documents for residence permit. Before approving the invitation we verify if the employer had reported the vacancy, if all necessary documents (copy of a work contract; legalized educational document or a document confirming three years' experience in the profession, in which the employer intends to employ the foreigner) are submitted and if the employer doesn't have a tax debt. Before issuing the residence permit we examine the applicant's submitted documents.</p> <p>5. We only check if the educational document or a document confirming three years' experience is in the profession, in which the foreigner is going to be employed.</p> <p>6. We have encountered some cases of abuse when an employer invites the third-country citizen and then refuses to pay a salary or the restaurant has not been even opened yet but these have been only some cases. Otherwise, taking into consideration the relatively low number of issued permits, there are no other problems to be shared.</p> <p>7. A temporary residence permit may be granted for the period of employment, but not exceeding 5 years. The residence permit card (with the rights to work) may be issued for 1 year till the residence permit's registration date.</p>

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	EMN NCP Lithuania	Yes	1. No 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A 7. N/A
	EMN NCP Luxembourg	Yes	1. N/A 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A 7. N/A

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	<p>EMN NCP Malta</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No There is no special regulation per se in place that distinguishes specialised chefs from third countries. However, as established in the Employment Licenses Guidelines, there are many aspects to labour market considerations, one of which includes the national situation in respect of surpluses or shortages in a given occupation and sector. In case of chefs, their applications need to be accompanied by a confirmation that the catering establishment is registered with the competent local authority (MTA), who from their end do not distinguish between specialised cuisine. Furthermore, a quota is applicable depending on the seating capacity of the catering establishment, whereas outlets with up to thirty covers may apply for up to two TCNs, outlets with up to hundred cover may apply for up to three TCNs and, outlets with over one hundred covers may apply for up to four TCNs. 2. No distinction is presently made between the type of cuisine served, however the TCNs suitability and competence for the job is assessed. 3. Jobsplus cannot provide this data as these professions are not segmented by speciality 4. There are no 'special regulations' in such cases. Labour market testing applies whereas Jobsplus assesses the situation of the labour market, competence of the TCN applicant and reputability of the prospective employer. The quota is further implemented as a threshold for the number of TCN chefs based on seating capacity and operations of the establishment. 5. In Malta, to be able to work as a Chef, one has to be registered as a Food Handler. For this, one has to attend a Food Handling Course. In Malta we have a number of authorised institutions who can deliver courses. We have authorised tutors for these courses mainly related to Food Hygiene. Once the person finishes and passes a test related to this course, he then goes to present the Certificate to the Department of Environmental Health Regulation. A Card is issued - The Food Safety Card - and the person is registered with the Food Safety Commission. The person must have this card
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			<p>with him whenever he is at his job, if he is engaged in a job where he has to handle food. If the person looks for a job as a Chef, it is the employer who is engaging the Chef who looks at the Certificates. The card is important but if other certificates need to be authenticated/checked, then this will have to be done by referring to MQRIC. In this regard, With regard to cooks/chefs, MQRIC recognises the following locally awarded qualifications: National Occupational Qualification Certificate: First Level/ Senior Technician (comparable to MQF Level 5) National Occupational Qualification Certificate: Second Level/ Technician (comparable to Level 5) National Occupational Qualification Certificate: Third Level/ Senior Skill Level (comparable to Level 4) National Occupational Qualification Certificate: Fourth Level/ Medium Skill Level (comparable to Level 3) National Occupational Qualification Certificate: Fifth Level/ Primary Skill Level (comparable to Level 2) Preparatory Technician Certificate: comparable to Level 5 The Institute for Tourism Studies provides the following qualifications at different levels of the MQF/EQF: Certificate in Food Preparation & Service (MQF Level 4 -60 ECTS) Diploma in Food and Beverage Service Operations (MQF Level 4- 120 ECVET) Higher National Diploma in Food and Beverage Management (MQF Level 5 -67 ECTS) Certificate in Food Preparation & Service (MQF Level 3 – 60 ECVET) Diploma in Food Preparation & Production Operations (MQF Level 4-120 ECVET) Higher National Diploma in Food Preparation & Production Management (MQF Level 5-67 ECTS) Higher National Diploma in Food Preparation & Culinary Arts for Cruise Liners (MQF Level 5 – 97 ECTS) Bachelor in Culinary Arts – MQF Level 6 (180 ECTS) Bachelor in Gastronomy – MQF Level 6 (180 ECTS) – awarded by ITS & UOM Finally, under the Merchant Shipping Maritime Labour Convention Rules 234.51, Rule 109 states: (1) The ship's cook and catering staff shall be properly trained and certified in the preparation of nutritionally balanced meals served in strict hygienic conditions. (2) No ship's cook and catering staff shall be engaged as such on a Maltese ship unless such person has completed a training course approved or recognised by the competent authority. (3) The competent authority may recognise certificates issued by or under the authority of another Party to the Convention which has ratified the same or has ratified the ILO Certification of Ships' Cooks Convention, 1946 (No. 69).]</p>
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			<p>6. While Jobsplus, the Maltese PES, asserts that every application is different and instances of complications may arise, it notes that there have not been cases of alarming instances or unwanted side effects till this point in time.</p> <p>7. Employment Licences are usually valid for a period of one year and are renewable.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. Yes, there is a special regulation in place the Netherlands. This regulation only applies for specialized chefs in the Asian catering industry. It has to be an application for a chef in one of the following cuisines: India, China, Japan, Indonesia, Korea, Malaysia, Thailand, Tibet of Vietnam.</p> <p>3. There is no record on how many specialty chefs enter the Netherlands every year in general. However, the number of chefs who were granted a permit under the above Asian catering industry are: Between 1 October 2016 till 1 October 2017: 1800 Between 1 October 2017 till 1 October 2018: 1530</p> <p>4. Normally a third country national who wants to work in the Netherlands has to apply for a work permit. There are certain grounds for rejection, for instance if the employment conditions, employment relationships or working conditions of the job are below the level required by law or customary in the sector concerned or if the minimum wage is not earned. Normally a work permit is only permitted after a labour market test. With this labour market test it is examined if there are no people in the Netherlands and the European Union who could do the job instead. In the regulation for Asian catering industry this labour market test is exempted. For a successfull claim the following conditions apply: - Cook in a restaurant serving one or more of the following cuisines: Chinese, Indian, Indonesian, Japanese, Korean, Malaysian, Thai, Tibetan and Vietnamese; - Cook on job level 4 to 6 (specialised cook, sous chef/all round cook or chef); - The permit for a specialty chef has conditions attached to them. The conditions</p>

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			<p>are in place to stimulate the employer to make an effort to fill future job openings with workers from the European Union.</p> <p>5. In principle the rule applies that an applicant has to show qualifications by submitting a certified diploma and/or certificate. When it comes to qualifications concerning chefs from China an Occupational Qualification Certificates suffices.</p> <p>6. The current regulation has a number of undesirable effects. It does not encourages employers enough to make efforts to come to a sustainable solution for the shortage of chefs who are qualified in the Netherlands and European Union. There are for instance signals that the regulation is being used to bring cooks from third countries to as chefs in restaurant where it is doubtful a Asian specialism is required.</p> <p>7. A combined permit for work and residence is valid for a period of two years. After these two years it is possible to apply for a new combined permit for work and residence. After an alien is legally working in the Netherlands for more than 5 years they can apply for a permanent residence permit.</p>
	EMN NCP Poland	Yes	<p>1. No</p> <p>There are no special regulations in Poland referring to specialized chefs (for example Asian cuisine). The classification of occupations and specialties used in Poland, on the basis of which a special solution could be used, does not contain specialized chefs (only general chefs). It is worth noting however that in one region in Poland (Silesian Voivodship) there is an exemption from labour market test for for national/regional chefs (on the basis of regional legal act), but without distinguishing what type of cuisine is conerned.</p>

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	EMN NCP Portugal	Yes	1. No
	EMN NCP Slovakia	Yes	1. No There is no special regulation targeting specifically chefs from third countries. All third-country nationals wishing to apply for work in Slovakia must fulfill the requirements given by the Act on Residence of Aliens and in this case comply with the standards set in Trade Licensing Act for particular type of craft trade – the cook.
	EMN NCP Spain	Yes	1. No No, there isn't. In general, they must obtain a general residence and work permit unless they can be considered, attending to their experience and qualification, a highly qualified professional. 2. 3. 2017: 27 (Asians 7)2018: 26 (Asians 8) 4. There is no specific regulation. The Immigration Act is applicable. 5. In accordance with the provisions of the Immigration Act. For instance, for a highly qualified professional, a University degree is required, or at least five years of professional experience. 6. None have been detected, so far.

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			7. In principle, a temporary residence and work permit will be issued, valid for one year renewable for two years, unless a long-term residence permit is issued, provided he/she meets all the requirements.
	EMN NCP Sweden	Yes	<ol style="list-style-type: none"> 1. No 2. Not applicable 3. No information available 4. The applicant must have an job offer in Sweden in order to apply for work permit. For restaurants there are more stringent requirements on the employer to prove that the business can guarantee a salary. 5. Not applicable 6. Not applicable 7. The permit is valid for the time period that appears in the decision. Normally the maximum validity is 2 years with the possibility of extention.
	EMN NCP United Kingdom	Yes	<ol style="list-style-type: none"> 1. No 2. There is no distinction between different cuisines or with regard to specific countries in the UK system

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			<p>3. The Tier 2 route is subject to a limit which runs from 6 April to 5 April. We do not breakdown the number of visa's granted by occupation. The information which we publish can be found here https://www.gov.uk/government/collections/migration-statistics</p> <p>4. To qualify as a shortage occupation chef the migrant must have: A salary of at least £29,570 per year after deductions for accommodation, meals etc. Five or more years relevant experience in a role of at least equivalent status to the one they are entering; The job is in one of the following roles: • executive chef - limited to one per establishment • head chef - limited to one per establishment • sous chef - limited to one for every four kitchen staff per establishment • specialist chef - limited to one per speciality per establishment The job cannot be in either a fast food outlet, a standard fare outlet, or an establishment which provides a take-away service.</p> <p>5. The applicant must provide evidence to show they meet the experience requirement. No formal qualifications are required within the criteria.</p> <p>6. We receive regular representations from the restaurant sector which mostly focus around two major points; requests to lower the salary requirement; and due to the expansion of services such as Deliveroo and UberEats, challenges to our prohibition to working in an establishment which offers take away.</p> <p>7. Tier 2 migrants can be granted for up to 5 years and 1 month in a single grant of leave. They can have a maximum grant of 6 years in the UK with temporary leave to remain. They can apply for settlement after 5 years.</p>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. Regulations valid until 1 April 2019 (not sure if it will be renewed or not). No distinction between Asian cuisine and other cuisines.</p>

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			<p>3. Estimated to be in the range between 50 and 70 each year for the two mentioned years.</p> <p>4. There are requirements to the education/qualifications and to the employment relationship. From www.udi.no: Requirements relating to your education/qualifications• You must have at least ten years' relevant education and/or work experience. You must have worked at a high-standard hotel/restaurant for at least half of the work experience period. You will in principle only be granted a residence permit as an ethnic cook in exceptional circumstances. • If you are from China, you must have a certificate from the authorities stating that you are a 'level 1' cook or a 'level 2' cook. • If you are from Thailand, you must have a certificate from the authorities stating that you are a 'level 2' cook. Requirements relating to the employment relationship• You must have received a concrete offer of full-time employment from one specific employer in Norway. The offer must state which restaurant you will be working at. You cannot work at several restaurants, even if they have the same owner. • The job you are offered must require qualifications as an ethnic cook. You must have the qualifications that the job requires. • You must be employed at an ethnic restaurant. An ethnic restaurant is a restaurant that serves food from only one country. In some cases, the UDI can accept that the restaurant serves food from several countries. • The pay and working conditions must not be poorer than stipulated in Riksavtalen for hotell og restaurant (external website) (national collective agreement for hotel and restaurant workers). • You can also be granted a permit to work for a catering company that meets the requirements for being regarded as an ethnic restaurant Important to read lengthy UDI circular 2012-003: https://www.udiregelverk.no/en/documents/udi-circulars/rs-2012-003/</p> <p>5. UDI makes a concrete assessment in each case of the submitted documents on formal education, training and work experience. See circular 2012-003 (link above) for more information.</p> <p>6. The special requirements make a distinction between “ethnic cooks” and “ethnic restaurants” on the one hand and “ordinary” cooks and restaurants on the other hand. It</p>
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			<p>has been difficult to give clear meaning to the term “ethnic”. Strict requirements relating to restaurants, has made it difficult to accept newer concepts like crossover and fusion.</p> <p>7. The permit is granted for a period for up to one year. It can be renewed (indefinitely) and qualifies for a permanent residence permit (with a 3 year qualification period).</p>
	<p>Adolfo SOMMARRIBAS</p>	<p>Yes</p>	<p>1. No</p> <p>2. 2. The following data, based on the ISCO code (International Standard Classification of Occupations), relate to the number of residence permits issued (first issue and renewals) and not to the number of persons concerned (one person may have had more than one permit during the reference period). The data distinguish between cooks and other catering professions. It is not possible to indicate whether the Asian cooks are working in restaurants serving Asian cuisines or not. statistics_asian_cooks.docx</p> <p>3. See attached table. statistics_asian_cooks.docx</p> <p>4. 3. a) As there is no special regulation in place in Luxembourg regarding the entry of specialized chefs from third countries, these persons must apply as any other third-country national for an authorization to stay as a salaried worker (article 42 of the amended law of 29 August 2008 on free movement of persons and immigration). Preliminary steps Labour Market test: Before recruiting a salaried worker, employers must make a declaration of vacant position to the National Employment Agency (ADEM). The declaration will allow the employment agency to check whether there is a suitable candidate available on the local or EU job market. If the job offer cannot be filled with a person registered with the ADEM (National Employment Agency) within a 3 week deadline, the employer is allowed to conclude an employment contract with a person of his choice, under certain conditions, including a non-EU national. To this</p>

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			<p>end, the employer must submit an application on plain paper to ADEM's director and request a certificate granting him the right to hire a third country national. The employer must sign a dated employment contract with the future employee. It may be stated in the contract that the start date is "subject to the employee obtaining an authorisation to stay for salaried workers/work permit". The employer must hand over the original certificate to the third-country national, who will attach it to his application for the authorisation to stay. Application for the authorization of stay: The third-country worker must submit an application for a temporary authorisation to stay (on plain paper) from his country of origin:</p> <ul style="list-style-type: none"> • to the Immigration Directorate of the Ministry of Foreign and European Affairs, or; • to a Luxembourg diplomatic or consular representation or to a diplomatic or consular mission representing Luxembourg. <p>The application for a temporary authorisation to stay must contain the applicant's identity details (last name, first name and address) and must be accompanied by the following documents and information:</p> <ul style="list-style-type: none"> • a copy of their valid passport, in its entirety; • an extract from the criminal records or an affidavit (sworn oath) established in the country of residence; • a curriculum vitae; • a copy of the applicant's diplomas or professional qualifications; • a copy of the employment contract (compliant with Luxembourg law), dated and signed by both the applicant and his future employer in Luxembourg; • the original copy of the certificate from the National Employment Agency granting the employer the right to hire a third-country national; • where necessary, a proxy. <p>In any case, the employment contract must respect all the minimum requirements of a labour contract including minimum wage, working hours, etc.</p> <p>3.b. N/A. There is no differentiation made between the type of restaurants.</p> <p>5. As mentioned above, the third-country national has to present a curriculum vitae and a copy of the diplomas and professional qualifications. The Foreigners Unit of the Directorate of Immigration will evaluate all the elements mentioned above.</p> <p>6. N/A. Even though there is not a special regulation, the main problem is that the employers made the declaration of a vacant position with a very specific profile that allows them to refuse any candidate available on the local or EU job market.</p>
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			<p>7. 6. The validity of the first residence permit for salaried worker is valid for a maximum of 1 year, for one profession only with all employers and in only one sector. As of the first renewal, the residence permit is renewable for a maximum duration of 3 years and gives access to any sector and any profession.</p>
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