AD HOC QUERY ON 2019.82 Competent Authorities and Organization of Residence Permit / Visa Procedure Abroad
Requested by EMN NCP Finland on 28 August 2019

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Sweden, United Kingdom plus Norway (21 in Total)

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1. Background information

2. Questions

1. Please describe the residence permit procedure when applicant is abroad. Which authorities take part in the process and how it is organized?
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2. Are your Foreign Missions responsible for handling/ receiving residence permit applications? If your answer is “Yes”, have you deployed permanent or long term officials to Missions from you Migration agency? Have you planned any changes (legislative/administrative/procedural) to your current system?

3. Please describe upcoming changes to your residence permit procedure?

We would very much appreciate your responses by 27 September 2019.

### 3. Responses

<table>
<thead>
<tr>
<th></th>
<th>Wider Dissemination?</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EMN NCP Austria</strong></td>
<td>No</td>
<td>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</td>
</tr>
<tr>
<td><strong>EMN NCP Belgium</strong></td>
<td>Yes</td>
<td>1. Applications for a national visa (VISA D/long stay) have to be lodged from abroad at the diplomatic posts. In principle all third country nationals who apply for residence for over three months have to apply for a visa</td>
</tr>
</tbody>
</table>

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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| EMN NCP Bulgaria | Yes | 1. A long-term residence permit may be granted to foreigners who have a visa under art. 15, para 1 of the Forigners in the Republic of Bulgaria Act and document under same ground. Long-stay visa with a validity term of up to 6 months and with right to stay for up to 180 days may be issued to a foreigner who wishes to obtain permit for continuous, long-term or permanent residence in the Republic of Bulgaria based on one of the grounds, specified in this act. The terms and procedure for issuance, refusal to issue, cancellation and |

2. Yes, the diplomatic posts are responsible for handling the applications for a visa long stay. In many cases the consulates have to send the file to the Immigration Office before a visa can be issued. However, for a number of categories, such as for example family members of EU citizens, the diplomatic posts can issue the visa, and in a number of situations without prior consultation of the Immigration Office, as long as there is no doubt that the entry conditions are fulfilled and that the application is genuine. To refuse the visa application the Immigration Office always has to be consulted before a decision is taken.

No, the officials of the Immigration Office are based in Belgium. However, Immigration Liaison Officers and Schengen-visa experts can be deployed to train consular staff.

No significant changes of the current procedure are planned.

3. N/A
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<thead>
<tr>
<th>Country</th>
<th>Yes/No</th>
<th>Response</th>
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</table>
| Croatia  | Yes    | 1. Croatian diplomatic or consular missions receive applications for residence permits, which they send to the decision-making authorities (the police administration or police station of the Ministry of Interior).  
2. Foreign Missions are responsible for receiving residence permit applications, but the decision-making authorities are in Croatia, so there are no deployed officials to Missions from Migration service of the Ministry of Interior.  
3. No planned changes at the moment. |
| Cyprus   | Yes    | 1. The usual cases for a TCN being abroad is to apply for a permit to study or to work in Cyprus. The application for an entry permit, with the needed documents, can only be submitted in the Cyprus (to the Civil Registry and Migration Department). The application is submitted by the hosting educational institute or by the employer, respectively. The entry permit is issued and delivered to the applicant in Cyprus, that is the hosting educational institute or the employer, who are responsible to hand it over to the TCN abroad. Within 7 days from the arrival to Cyprus, the TCN must submit an application, again with the needed documents, for a (student/worker) temporary residence permit. |
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| EMN NCP          | Yes | 1. The application for a residence permit or for the long-term visa should be lodged in the Czech mission (Embassy) in the state where the applicant legally resides. The Ministry of Foreign Affairs is competent to take over the application and carries out the public administration in these matters. The application is later proceeding to the Department of the Asylum and Migration Policy (DAMP) of the Ministry of the Interior of the Czech Republic. The DAMP has the decision power on submitted applications.  
The applicant has to fulfill an application form and lodge it with all supported documents in the Embassy of the Czech Republic in the states where he/she legally resides.  
If the application of filled at a Czech Embassy, the Czech Embassy works as an intermediary between the applicant and the body responsible the MOI. During the proceedings, the embassy communicates with the applicant, inviting him/her for an interview, informing him/her of the reasons for rejecting his/her application or invites him/her to arrive for the stamping of the visa for over 90 days for the purpose of collecting a residence permit.  
The processing of the application is subject to the Act on the Residence of Foreign Nationals, the Administrative Code, and other related acts.  
If the specified requirements have not been submitted with the application or it has other discrepancies, the applicant will be asked in writing to remedy the discrepancies of the application in prescribed time. The time limit for the decision on the application is discontinued in such case. During the proceedings, the MOI/embassy can invite the applicant for an interview, request that he/she complete the requirements, take his/hers fingerprints or take a pictorial record of him/her. |
| Czech Republic   | Yes | 2. No. Currently there are no changes planned.  
3. None, relating to the residence permit procedure when applicant is abroad. |
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<tr>
<td>Estonia</td>
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2. Yes, the Czech Embassy is only competent for receiving an application for a long-term visa, the competent body for processing it is the MOI. During the procedure the Czech Embassy communicates with the applicant, invites him/her for a hearing or calls on him/her to pick up the visa.

3. There are no planned changes.

1. TCNs has to submit an application for first temporary residence permit in person to foreign mission of Estonia which will send it to the Police and Border Guard Board (the PBGB) for proceedings, after the person has been identified/the identity verified and after the taking of biometric data (fingerprinting). The decision to issue or refusal to issue of a temporary residence permit will be made by the PBGB. If the person is already staying legally in Estonia (for example on a visa or visa-free basis) the application for residence permit may be submitted directly to the PBGB.

Person who obtains a long-stay visa (D-visa) should submit it also at a foreign mission of Estonia in person for identification and fingerprinting. In term of short-stay visa (C-visa) and an airport transit visa the provisions of the Visa Code will be implemented. A consular officer of a foreign mission will decide on the issue/or refusal to issue of a visa, however a consular officer is required to coordinate its decision with the PBGB. Exchange of information is arranged via the visa register.

Long-stay visa application may be also submitted directly to the PBGB, if person has a legal basis for the stay in Estonia (on visa free basis). If the application for a long-stay visa is submitted to the PBGB, the decision on granting the visa is also made by the PBGB.

2. Yes, the role of the foreign missions is to identify the person and collect all the necessary documents (and data) to compile the application and forwarding it to the PBGB. Nor PBGB or the Ministry of Interior has sent officials to the foreign missions in purpose of receiving applications for residence permits. In this regard, no major changes are planned in the near future.
3. There are some planned IT-solutions for future, concerning the residence permit procedures, but at the moment they are in the development phase.

| EMN NCP | Yes | 1. Finnish diplomatic or consular missions receive applications for residence permits and check that the applications are correctly filled in and contain the required documents and information. Missions also collect the biometrics for the residence permit card. After they have checked the application and appendices, they send it to the decision-making authorities. Partial decision maker in work-based residence permit permits is Centres for Economic Development, Transport and the Environment. The Finnish Immigration Service in Finland is the final decision maker.  
2. Yes. No, but there is ongoing project called Rotating Immigration Office (AMIF) to develop residence permit procedure and interviews in most challenging Missions. Part of the project is to investigate the possibility to conduct remote interviews in most challenging cases through video connection from Finland.  
3. No planned changes at the moment. |
|---|---|---|
| EMN NCP | Yes | 1. For stays over 90 days (3 months), the TCN has to apply for a long-stay visa with the competent French consulate in his/her country of origin or of legal residence, the length and type will depend on the duration and reasons of stay.  
France-Visas is a single portal with all the information required to guide the applicant through the process and help in every step of the way (preparing the application, entering details, submitting and tracking the application).  
See below the detailed process: |
First, use “Visa Wizard” on the France-Visas site to check, based on your situation, whether you need a visa and if so, what type. The wizard will also tell you what documents must be enclosed with your application, along with the relevant fee.

Once you have checked that you need a visa, you can complete your application on our online portal. You will be asked to create an account and France-Visas will support you in each step of the process.

Once you have completed your online application, all you have to do is submit it to your local visa centre. France-Visas will provide you with all necessary information on how and where to submit your application. Once your application has been submitted, track its progress and find out how and when you can collect your passport and how to prepare for your trip to France.

Waiting times for appointments and for processing applications will vary depending on your nationality and the time of year. Users are therefore asked to submit their visa applications well in advance of their departure date.

2. Agents from the French consulates are responsible for handling receiving long-term visa applications. Once in France, this visa requires registration, upon arrival in France, with the “French Office of Immigration and Integration” or, with the appropriate prefecture responsible for issuing a residence permit. However, prefectures will not process again the application; they may verify the housing conditions for example, but usually they do not verify all criteria related to the ground of stay in France.

French consulates and their agents depend on the French Ministry for Europe and foreign affairs. Visa policy is shared by both Ministry of the Interior and Ministry for Europe and foreign affairs, whereas residence permit policy depends on the Ministry of the Interior.
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<tr>
<th>Country</th>
<th>Answer</th>
<th>Details</th>
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<tbody>
<tr>
<td>Germany</td>
<td></td>
<td>The residence permit application is processed by the diplomatic representations as part of the general visa procedure. Under certain conditions (e.g. if the person has been previously resident in Germany), the immigration authority of the future place of residence must approve the issuance of a visa. The approval of the Federal Employment Agency is obtained from the diplomatic representation, or from the immigration authority if it is involved, if such approval is required for the exercise of gainful employment in future.</td>
</tr>
<tr>
<td>Hungary</td>
<td>Yes</td>
<td>1. Except as provided for by law, an application for residence permit may be submitted to any consulate officer of Hungary, or at any other place authorised to accept applications for residence permit located in the country where the applicant’s permanent or temporary residence is located, or in the country of the applicant’s nationality. Third-country nationals may apply for an entry visa for receiving a residence permit before admission to the country in the application for residence permit, without having to lodge a separate application. Where the application for residence permit is submitted through the employer, the client is nevertheless required to appear in person before the competent authority, when so requested by the authority, for the purpose of data recording and for carrying out other procedural steps.</td>
</tr>
</tbody>
</table>

2. Yes. Only in exceptional cases and without any focus on the visa procedure. No.

3. An accelerated immigration procedure for skilled workers will be introduced as per 1 March 2020. If the employer is authorised to do so by the person interested in immigrating, it may agree with the local immigration authority to carry out such a procedure. The immigration authority advises the employer in the procedure, for instance with regard to the documents to be submitted by the employee and coordinates the work of the authorities involved in the procedure. Legal deadlines apply to the immigration authorities, to the diplomatic representations where the visa process continues to be implemented, as well as to the authorities responsible for the recognition of the foreign professional qualification.
### EMN NCP Italy

| Yes |

1. First, it may be useful to underline that – unlike in Finland – in Italy visas are used not only for a short-term or temporary period of residence lasting no more than 90 days. In fact, there is the long sojourn or "national" Visas (NV), which are only valid for visits that are longer than 90 days (type D), with one or more entries, in the territory of the Schengen State whose diplomatic mission issued the visa.

An applicant requesting a visa for the first time must appear in person in front of Italian Consular authority in the TCN's country of origin for the collection of his or her biometric data: a photograph and ten fingerprints. For subsequent applications within five years, fingerprints from the VIS (The Visa Information System) file can be re-used unless there is reasonable doubt regarding the applicant's identity.

When the visa holder arrives at the external border, the border authorities have access to the VIS to verify...
his identity and the authenticity of the visa.

So, once the Consular Authority has verified the possession of the applicant's biometric data, the foreigner has to:

- submit a formal application with a photograph and a valid travel document attached.
- be interviewed by the Consular Authority about reasons and circumstances of sojourn.

In particular, the applicant has to demonstrate: the purpose of the journey, means of transport and return, livelihood while traveling and stay in the country, housing conditions.

Once the abovementioned requirements have been met, the Consular Representation exercises a preventative security control through the consultation of the list of foreigners inadmissible to the Schengen area.

Within 8 days from the entry in the Italian territory, the foreign has to require the residence permit to the Police Headquarters or to the national postal service (Poste Italiane Spa).

In fact, for certain types of residence permit, a convention between the Minister of Interior and Poste Italiane Spa established that applications should be submitted to this last one, through the compilation of a kit made available by the same office.

The thrust of this decision is to reduce overcrowding in Police Headquarters and to accelerate the procedure. As just mentioned, not all types of residence permit shall be requested through the compilation of the postal kit. The kit must be used for requesting residence permit for: employment, elective residence, renewal of asylum and statelessness residence permit, conversion from another type of residence permit, family and religious grounds, scientific research, studies, training, tourism, adoption and foster care. The other types of residence permit shall be asked directly to the Headquarters Police. To this regard, the platform “Cupa Project” provides an embedded system which Police Headquarters of the different municipalities should include in their website to give applicants the possibility to book the date for initiate the residence permit procedure.
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<thead>
<tr>
<th>Country</th>
<th>EMN NCP</th>
<th>Yes</th>
<th>2. As explained in Q.1, Foreign Missions are responsible for receiving visa applications, not for residence permit.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>EMN NCP</td>
<td>Yes</td>
<td>1. The applicant submits documents for residence permit at the diplomatic or consular mission of Latvia abroad. The diplomatic or consular mission sends the documents to the Office of Citizenship and Migration Affairs which examines the application and takes decision. In case of positive decision the applicant within 3 months comes to Latvia (by visa if the applicant is a national of the country which requires visa to enter Schengen countries), gives biometrics for the residence permit’s card and receives a residence permit at the Office of Citizenship and Migration Affairs.</td>
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<td></td>
<td></td>
<td>Yes</td>
<td>2. Yes. No, the Office of Citizenship and Migration Affairs doesn’t deploy its officials to the diplomatic or consular missions. No planned changes at the moment</td>
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<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>3. No upcoming changes at the moment.</td>
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<tr>
<td>Lithuania</td>
<td>EMN NCP</td>
<td>Yes</td>
<td>1. In accordance with the Law on the Legal Status of Aliens, the alien submits documents for temporary residence permit at the diplomatic mission or consular post if: (s)he has retained the right to the citizenship of the Republic of Lithuania; (s)he is a person of Lithuanian descent; (s)he is transferred within the company. In these cases applications are received at the mission and sent to the Migration Department. In all other cases, the applicant shall submit documents for a residence permit to the Migration Department. The application for the issue of a residence permit must be examined within 1 – 4 months, depending on the</td>
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### EMN NCP: Luxembourg

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<th>Yes</th>
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1. Article 39 (1) of the amended law of 29 August 2008 on free movement of persons and immigration foresees that the applicant for any category of authorization of stay (i.e. salaried worker, independent worker, investor, posted worker, ICT, family reunification, sportsmen and trainers, student, researcher, pupil, volunteer, trainee, private reasons (with the exception of humanitarian reasons of exceptional gravity)) has to introduce his/her application before and wait for its approval before entering the Luxembourgish territory.

The application has to be introduced at the diplomatic representation of Luxembourg or the diplomatic representation which represents Luxembourg's interests abroad (i.e. Belgium) or by postal service to the Directorate of Immigration in Luxembourg which is part of the Ministry of Foreign and European Affairs. The applicant must submit the application with all the supporting documents. In case the file has been introduced at the diplomatic mission, it will be transferred to the Directorate of Immigration, which will do the examination of the application and a decision is taken.

If the decision is positive a temporary authorization to stay is sent to the applicant who has to use it in a period of 90 days to enter Luxembourg (if no entry visa is required) or if the applicant is a national of a third
<table>
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<tr>
<th>EMN NCP</th>
<th>Country and Visa Procedure</th>
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<tbody>
<tr>
<td>Netherlands</td>
<td>Yes</td>
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</table>

1. In case of a short-stay-visa, for example in the case of a work visit, the applicant applies for a visa at a Dutch foreign mission (embassy or consulate) in the country of origin or country of continuous residence. Applicants, among other conditions, need an invitation by an employer or sponsor, sufficient financial means and reason to return to the country of residence in order to be eligible for a short-stay-visa. The visa application is generally handled by one of the Central Support Offices (CSO) of the Ministry of Foreign Affairs, but the application is sometimes put before the Visa Service of the Immigration and Naturalization Service (IND). A short-stay-visa is a type C visa, placed as a sticker in the passport.

In case of a long-stay-visa, a provisional residence permit application can be lodged by 1) the applicant him/herself abroad at a Dutch Foreign Mission (the so-called DIP procedure) or 2) a referent at the Immigration- and Naturalization Department in the Netherlands (the so-called TEV procedure). This can be a family member, a school, or an employer. This is because third-country nationals who wish to stay longer...
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<thead>
<tr>
<th>EMN NCP</th>
<th>Yes</th>
<th>1. Based on Polish legislation the residence permit procedure cannot be launched when an applicant is abroad. According to the Polish law (the Act of Foreigners od 12 December 2013, Journal of Laws of 2018, item 2094 as amended) the authority responsible for granting or refusing the residence permit is by way of</th>
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<tr>
<td>Poland</td>
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<tr>
<td>EMN NCP</td>
<td>Yes</td>
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<tr>
<td>Slovakia</td>
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1. The application for temporary residence must be filed in person when abroad at the Slovak Embassy accredited for the country which issued the travel document to the third-country national or for the country in which he / she resides. The embassy that received the application will conduct a personal interview with the applicant for temporary residence for the purpose of preliminary examination of the application. The interview shall be conducted in a state language or other language understood by both parties. The embassy shall make a written record of the interview and shall be attached to the application for temporary residence. The record shall be written in the language of the interview conducted and must be signed by the applicant; if the interview has not been conducted in the state language, the embassy will make a translation of the record into the state language and provide it with the authenticity clause/certification of the embassy. If the applicant does not speak the state language, he / she can arrange for an interpreter at his / her own expense. The interpreter is obliged to sign the record. The embassy shall send the police department, together with the record of the interview and its translation, also its opinion on the granting the temporary residence, stating whether or not it recommends granting the temporary residence, while providing specific

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2. No. Polish Law doesn't provide for handling/ receiving residence permit applications. In Article 34 of the Consular Law of 25 June 2015 (Journal of Laws of 2018, item 2141, as amended) there is no mention of handling/ receiving residence permit applications among consul duties.

Polish Consuls are only authorized to issue visas based on which foreigners are entitled to enter Poland or Schengen territory.

3. There are no plans at the moment to change residence permit procedure in Poland. It must be mentioned that until 2018 a foreigner had this opportunity to submit a residence permit application while being abroad. However, due to complicated procedure and time it was consuming, this possibility was abolished.

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A third-country national shall apply for temporary residence using an official form. When submitting the application for temporary residence, the third-country national is obliged to present a valid travel document and all the necessary documents to the application for temporary residence as provided in the Act on Residence of Foreigners, otherwise the embassy or police department will not accept the application for temporary residence. If the embassy or police department does not accept the application for temporary residence, it shall provide a written information to the third-country national as to which documents are missing and must be attached to the application for temporary residence in order for the application to be accepted. However, the application for temporary residence is not to be accepted by the embassy or police department only if the third-country national does not present a valid travel document.

The third-country national shall attach to the application for temporary residence two photos of 3 x 3.5 cm showing his/her current appearance and documents not older than 90 days certifying the purpose of the stay: criminal record, unless otherwise provided by law, financial coverage of residence; unless otherwise provided in the Act, financial coverage of the business activity in the case of a third-country national wishing to start a business in Slovakia; this shall not apply in the case of a third-country national who acts or will act on behalf of a major foreign investor; the provision of accommodation; except in the cases specified in the law. When deciding on a temporary residence application, the police department shall take into account the opinion of the embassy on granting temporary residence.

If the applicant wishes to submit a residence application directly to the relevant department of the Foreign Police in the Slovak Republic, the embassy can issue a national visa for the purpose of submitting the application for residence in the Slovak Republic after submitting the documents stipulated by law.

2. Embassies/Representative offices abroad are accepting applications for residence and forward them for decision taking to the respective department of the Foreign Police. For these purposes no specialised officials of the Ministry of Interior of the Slovak Republic are deployed. These applications are processed by officials of the Ministry of Foreign and European Affairs deployed in a particular country.

3. N/A.
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| EMN NCP   | Yes | 1. All applicants for residence permit to Sweden are encouraged to apply online via the webpage of the Swedish Migration Agency. If the person cannot apply online the application forms can be handed in at a Swedish Mission Abroad and is then sent to the Swedish Migration Agency. More information can be found at www.migrationsverket.se  
2. Swedish missions abroad are receiving applications (if the person is not applying online). They also conduct interviews and so on but the decisions about residence permit is taken by the Swedish Migration Agency. The Agency has migration coordinators (migrationssambandsmän) at 11 different Swedish Missions Abroad. But some of them are only dealing with matters concerning return or Dublin cases.  
3. Not to the procedure itself but the staff working with migration at the Swedish Missions Abroad will from the first of January 2020 be the responsibility of the Swedish Migration Agency. Much more information on this can be found here (in Swedish): https://www.migrationsverket.se/Om-Migrationsverket/Pressrum/Nyhetsarkiv... |
| EMN NCP   | Yes | 1. Applicants submit an application online and have the option of uploading their own documents or seeking assistance from the Commercial Partner  
Applicants are required to enrol their biometrics and submit their passport to the Commercial Partner  
The information is digitally sent to the decision making centres in the UK for assessment.  
Once it has been decided to issue, the applicant is granted a visa for 1 month in which to enter the UK and collect their Biometric Residence Permit from local offices.  
2. N/A. |
**EMN NCP Norway**

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<th>1. N/A.</th>
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2. There are cases where Norwegian foreign missions are asked to handle visa applications. The Directorate of Immigration can delegate authority to Foreign Missions to decide on applications for residence permits instead of forwarding the case to the Directorate of Immigration. Up to August 2019 the Embassy in Manila has had the authority to grant clear cases for some residence permits, for example. The case handling was done partly by long term expatriate staff in addition to their main responsibility of handling applications for Schengen visas (low season for visa cases) and partly by short term staff seconded from the Directorate of Immigration (high season for visa cases). Long term expatriate staff who deal with visa and residence cases are in many cases recruited from the Directorate of Immigration.

As of August 2019, the Embassy in Bangkok took over the visa and residence cases from the Philippines (and Vietnam and Indonesia) in an organizational model we call “hubbing”. “Hubbing” of visa processing is a way to rationalize, streamline and professionalize. The Embassy staff will be able to handle applicants who speak a variety of languages. The need to re-organise and increase efficiency is a result of increased interest in traveling to Norway and the Schengen area. The Directorate of Immigration is still in a process with the Ministry of Foreign Affairs on how residence cases can be decided on at the foreign missions with a special view to the Embassy in Bangkok.

3. N/A.

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