



### **AD HOC QUERY ON 2021.17 Ad-Hoc Query on Labour Market Test**

**Requested by EMN NCP Croatia on 6 April 2021**

**Responses from Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (22 in Total)**

#### **Disclaimer:**

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## **1. Background information**

Starting from 1st January, 2021, quota system for issuing work permits for employment of TCNs in Croatia has been replaced by the labour market test (LMT)[1]. By conducting the LMT Croatian Employment Service, through the process of job placement, needs to establish whether job vacancies can be filled by HR/EEA nationals or TCNs with legal residence permitting them access to Croatian labour market. If not, employer may apply for stay and work permits for foreign workers. There is a number of exceptions from the obligation to take the LMT. The test need not take place for seasonal employment of up to 90 days in tourism, catering, agriculture and forestry, for shortage occupations defined by the list adopted by the Management Board of Croatian Employment Service, for the extension of stay and work permit and several other situations.

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[1] The labour market test (LMT) is implemented and applied widely in most EU Member States. Where the LMT is applied, some categories of workers can be exempt, reflecting the specific national situations and priorities. EU Member States apply different methodologies in undertaking LMTs. In general, a considerable role is left to employers and public employment services. Duration of the verification process varies among EU Member States.

## 2. Questions

**1. Does your country have a labour market test in place? YES/NO/other (if the answer is YES, please proceed with questions 2 to 7; if the answer is NO, please can you describe how you allow access to the labour market to third-country nationals?)**

**2. Please describe the necessary steps as part of the labour market test, taking into account the steps that the employer and the public employment services (PES) need to take.**

**3. What are the criteria for issuing the decision after the LMT that restricts the possibility for an employer to proceed with the process of hiring a third-country national workers? Possible answers:**

*Available choices: The job description is too specific that will limit the possibility to be filled by a job seeker., The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., A worker referred to employer by the PES is willing to accept the job., The rejection of the employer of a jobseeker who fulfils all the requirement is unjustified., The PES has referred a sufficient number of qualified jobseekers to the employer (regardless of the result of such referral), PES will issue a negative decision, without referring jobseekers to the employer, if according to the data there are enough jobseekers who can fulfil the job vacancy., Other.*

**4. What are the additional criteria for issuing the residence permit after the LMT has been completed allowing the employer to proceed with the process of hiring a third-country national worker?**

**5. Do you, in the process, check availability of workers from other EU MS? YES/NO.**

**6. If you have answered YES to question 5, can you please explain how you check the availability? (e.g. an employer needs to have Job vacancies published and featured on the EURES portal for a certain period, an employer needs to publish job vacancies on other MSs public/private job search portals etc.)**

**7. If available, could you please provide data on the percentage of positive and negative decisions after the labour market tests conducted in 2019 and 2020?**

We would very much appreciate your responses by **4 May 2021**.

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### 3. Responses

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		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Bulgaria	Yes	<p>1. Yes. According to the Bulgarian legislation (currently in Labour Migration And Labour Mobility Act) the labour market test is provided only for applicants for a Single Permit. As an exemption, this requisition is not applicable for the following categories of third-country nationals:</p> <ol style="list-style-type: none"> <li>1. foreigners, whose employment on the territory of the state derives from the implementation of international agreements to which the Republic of Bulgaria is a party;</li> <li>2. guest lecturers, lecturers and teachers in Bulgarian higher and secondary schools with a decision of the academic councils of the higher schools and of the regional departments of education, respectively;</li> <li>3. performers with proven professional competence - after a confirmed by the Ministry of Culture interest in hiring them;</li> </ol>

<sup>1</sup> 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.

<sup>2</sup> 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>4. athletes and coaches in sports clubs with confirmed by the Bulgarian national sports federations and unions interest in hiring them due to their special personal qualities and high degree of professional knowledge and skills. As of 1 June 2021 these provisions for the labour market test become part of the Foreigners in the Republic of Bulgaria Act.</p> <p>2. For providing a decision on access to the labour market and for issuing a Single Permit, the employer shall submit to the Employment Agency:</p> <ol style="list-style-type: none"> <li>1. copies of advertisements in local and national mass media, the Internet, etc.;</li> <li>2. statement pointing out the facts and circumstances justifying the necessity of the hiring of a third-country national;</li> <li>3. justification of his/her refusal to hire a Bulgarian citizen, a citizen of another Member State of the European Union, of a state - party to the European Economic Area Agreement, or of the Swiss Confederation etc., who meets the requirements, specified in the announcement.</li> </ol> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., A worker referred to employer by the PES is willing to accept the job.</p> <p>4. There are no additional criteria in relation to the outcome of the LMT conducted for issuing the residence permit.</p> <p>5. Yes, as they are equal to the Bulgarian citizens residing on the territory of Bulgaria. This includes not only the citizens of an EU MS, but also a state - party to the European Economic Area Agreement, or of a the Swiss Confederation. Moreover, it includes also available on our labour market TCNs with permanent or long-term residence, as well as family members of all these categories.</p> <p>6. The employer shall only submit copies of job advertisements in local and national mass media, the Internet, etc. justifying the lack (no responses received) of Bulgarian citizen, a citizen of another Member State of the European Union, of a state - party to the European Economic Area Agreement, or of the Swiss Confederation, who meets the requirements, specified in the job advertisement.</p>
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			7. There are no official negative decisions issued regarding granting the access to the Bulgarian labour market on the basis of LMT.
	EMN NCP Croatia	Yes	<p>1. Yes.</p> <p>2. Employer needs to register on the Public Employment Services' portal and post the job vacancy (JV) for which the labour market test (LMT) needs to be undertaken. The necessary requirements for the position (qualifications, skills, work experience etc.) and the offer (salary, accommodation, other benefits), as well as detailed job description are mandatory part of the JV posted for the LMT. PES officers check the quality of data provided, contact the employer if something is missing and approve publishing. They need to check the PES register of jobseekers and refer those that meet the criteria to the employer, not later than three days after the JV has been published. Both employer and jobseekers have to provide a feedback about the result to the PES. The feedback is provided online. If there's no a successful match after the first round, PES officer needs to refer more jobseekers to the employer. The whole process can last up to 15 days , but if there is no candidates that meet the requirements, the decision needs to be made sooner. If JVs has been filled or if the PES officer assesses that the reason for rejection of a jobseeker by the employer has not been justified, employer gets a negative LMT decision. If, however, the PES officer cannot find candidates who meet the criteria, or they refuse to apply, or the employer's reasons for rejection has been assessed justified, the decision will be positive and the employer can proceed with an application for a stay and work permit for TCN. Jobseekers who refused the job without justified reason have to be removed from the PES register.</p> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., A worker referred to employer by the PES is willing to accept the job., The rejection of the employer of a jobseeker who fulfils all the requirement is unjustified.</p>

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			<p>4. In addition to the LMT, employer needs to fulfill the following:</p> <ul style="list-style-type: none"> <li>• At least on HR, EU, EEA or CH national in full time, permanent employment during no less than six months prior to the application</li> <li>• No debt for employment related taxes and/or social security contributions</li> <li>• No criminal record in the field related to the labour law and/or employment</li> <li>• ¼ of workers of Croatian, other EEA or Swiss nationality (there are exceptions to this rule, but when the LMT is required, this is mandatory)</li> <li>• All elements from the work contract, as well as the salary offered, need to be in line with the labour legislation and a collective agreement, where applicable</li> <li>• Requirements listed in the LMT (occupation, skills, work experience) need to be met by a worker (TCN) for whom an employer lodges the application</li> </ul> <p>5. No.</p> <p>6. N/A.</p> <p>7. Almost 90% positive, a bit more than 10% negative (data for 1Q 2021).</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. Yes (exemptions for highly qualified and companies of foreign interest personnel apply).</p> <p>2. 1. Submission of the vacant position to the PES. 2. Advertise the position to at least two newspapers.</p> <p>3. If the PES can find matching candidates, they are referred to the employer for an interview. The employer is required to inform the PES whether a candidate was hired and if not provide a proper justification.</p>

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			<p>4. An application for the employment of a third country national can be submitted two weeks after the submission of the vacant position.</p> <p>5. During the examination of the application the Department of Labour takes into account the results of the PES referrals. If the employer failed to hire a suitable candidate the application can be rejected.</p> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., The rejection of the employer of a jobseeker who fulfils all the requirement is unjustified., The PES has referred a sufficient number of qualified jobseekers to the employer (regardless of the result of such referral).</p> <p>4. 1. The employer is an organized and sustainable business and the number of third country nationals employed does not exceed 30% of the total personnel.                  2. The employer does not have any arrears towards the state regarding social insurance payments, income tax and VAT.                  3. The employer has proper employer liability insurance.                  4. The employer has not employed any third country nationals illegally or in violation of their permit requirements.                  5. The employer has not unjustifiably fired any personnel during the last eight months.                  6. The third country national has the required qualifications for the position.</p> <p>5. Yes</p> <p>6. An employer needs to have Job vacancies published on the EURES network for a certain time period.</p> <p>7. Approximately 75% positive in 2019 and 74% positive in 2020. However, these figures include other categories for which a labour market test in not required.</p>
	EMN NCP Czech	Yes	1. Yes

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	<p>Republic</p>		<p>2. An employer who intends to fill a job vacancy with a third-country national on the basis of a work permit, an employee card or a blue card is obliged to report such a job vacancy to the Regional Branch of the Labour Office in whose territorial district the employment is to be performed. Labour market test is performed in case of job vacancy which can be filled by an employee card holder or a blue card holder. The condition for the inclusion of a job vacancy for employee card holders or blue card holders in the central register of vacancies which can be filled by employee card holders or central register of vacancies which can be filled by blue card holders is the employer's consent and at the same time that this job vacancy is offered and published by the Regional Branch of the Labour Office for 30 or 10 days with regard to the situation on the labour market. In process of issuing a work permit the Regional Branch of the Labour concerns if a job vacancy cannot be filled otherwise with regard to the required qualifications or the lack of available labour. However, this process is not called labour market test.</p> <p>3. Other. There are no other criteria for the labour market test. If the vacancy is not filled by a person registered with the Labour Office within 10 to 30 days, this position may be filled by the holder of a blue or employee card. However, even after the labour market has taken place, the Regional Branches of the Labour Office may send job seekers to the given vacancy until the position is filled by a third-country national.</p> <p>4. The vacancy will become a part of the central register after the market test, and the foreigner can apply for an employee or blue card.</p> <p>5. Yes</p> <p>6. Only if they are registered in the Labour Office database as jobseekers.</p> <p>7. We do not collect this kind of data.</p>
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	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. In Estonia, the employer needs to obtain a permission to fill a position by employing an alien from the Estonian Unemployment Insurance Fund (Article 177 of the Aliens Act). The employer requires the Estonian Unemployment Insurance Fund's permission to fill the job position with an alien in the <a href="#">following cases</a>:</p> <ul style="list-style-type: none"> <li>• an alien applies for a temporary residence permit (TRP) to work in Estonia;</li> <li>• an alien applies for a TRP to work here as a temporary agency worker;</li> <li>• an alien applies for a TRP for a transfer within a company;</li> <li>• an alien changes their employer;</li> <li>• an alien applies for the EU Blue Card;</li> <li>• an alien lives in Estonia on the basis of the EU Blue Card and wants to stop working at their current employer within the first two years of the EU Blue Card validation period, for which they were issued the EU Blue Card, and start working for another employer.</li> </ul> <p>Specifications when it is not necessary to apply for a permit from the Estonian Unemployment Insurance Fund have been established in Article 181 of the <a href="#">Aliens Act</a>. The Estonian Unemployment Insurance Fund gives a permission to hire an alien if the following conditions have been met:</p> <ul style="list-style-type: none"> <li>• the job position cannot be filled with a qualified Estonian citizen, European Union citizen or an alien who lives in Estonia on the basis of a residence permit and meets the occupational requirements;</li> <li>• filling the job position with an alien is justified based on the data from the Estonian Unemployment Insurance Fund and considering the labour market situation.</li> </ul> <p>Attached is the application for a permission to fill a position by employing an alien (in English). tooload_vorm_inglise_keeles.docx</p> <p>3. PES will issue a negative decision, without referring jobseekers to the employer, if according to the data there are enough jobseekers who can fulfil the job vacancy.</p> <p>In Estonia, the employer needs to obtain a permission to fill a position by employing an alien from the Estonian Unemployment Insurance Fund (Aliens Act, Article 177). When not giving the permission, the Estonian</p>
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			<p>Unemployment Insurance Fund sends the employer the following decision:"According to the search for a suitable employee in the database of the Estonian Unemployment Insurance Fund, there are currently persons looking for a job (in the area indicated in the application as the place of work) who would meet the requirements specified by the employee in the application (for the specific job position). Given that currently there are candidates in the local labour market who have an appropriate education and qualification for fulfilling the job duties specified in the application, granting the permission is not justified. Based on the reasoning above, do not grant the employer permission to fill the job by employing an alien."</p> <p>4.</p> <ul style="list-style-type: none"> <li>• The foreigner is required to have the necessary qualifications, training, state of health, work experience, professional skills and knowledge for the position (Article 179 of the Aliens Act).</li> <li>• The employer must fill the sponsor form (Tööandja kutse), which collects information on the employer and the employee, and submit it to the Police and Border Guard Board.</li> <li>• The employer is obliged to pay a salary which equals the minimum amount of the current Estonian average annual gross income published by Statistics Estonia (specifications of the requirements for the remuneration to be paid are given in Article 178 of the Aliens Act).</li> </ul> <p>5. No.</p> <p>6. N/A</p> <p>7. In 2019, 98,8% of the decisions were positive and 1,2% negative. In 2020, 98,3% of the decisions were positive and 1,7% negative.</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Yes, but only for the category residence permit for an employed person. E.g. highly-qualified workers and a few other categories are exempt of the test.</p> <p>2. A residence permit for an employed person is subject to two-phase consideration:</p>

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			<ol style="list-style-type: none"> <li>1. First, the Employment and Economic Development Office considers the employment and subsistence requirements of the permit in its preliminary decision (the LMT), in other words, makes a judgment concerning employment and subsistence.</li> <li>2. Thereafter, the Finnish Immigration Service issues the first residence permit for an employed person, unless there are statutory reasons for not issuing the permit. The best description of the process can be found on the website of the TE-Services (Public Employment Services): <a href="https://www.te-palvelut.fi/en/employers/find-an-employee/work-permit-ser...">https://www.te-palvelut.fi/en/employers/find-an-employee/work-permit-ser...</a></li> <li>3. Other.</li> <li>4. The applicant must fulfil the general criteria for being granted a residence permit:</li> <li>5. No</li> <li>6. N/a</li> <li>7. In 2019 approximately 70% positive and 30% negative. In 2020 approximately 80% positive and 20% negative.</li> </ol>
	<p>EMN NCP France</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. YES.</li> <li>2. According to the provisions of Decree of 31 March 2021 on the employment of a third-country national employee, the employer must issue a publication of the job offer for a period of three weeks to the organizations contributing to the public employment service. If the job offer has not been filled by any candidate who meets the requirements of the proposed position by the end of this period, the employer may then recruit a third-country national and begin the procedures to apply for a work permit. Since 6 April 2021, employers must file their work permit application on an online service managed by the French Ministry of the Interior: <a href="https://administration-etrangers-en-france.interieur.gouv.fr">https://administration-etrangers-en-france.interieur.gouv.fr</a>. The application must</li> </ol>

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			<p>be completed with various supporting documents, the list of which is established by the order of 1 April 2021 setting the list of documents to provide in support of a work permit application. Applications are processed by six interregional platforms created as part of the reform of the State's territorial organization (a seventh platform is dedicated to assessing work permit applications for seasonal workers). These platforms assess the enforceability of the employment situation.</p> <p>Therefore, if candidates have applied to the position, the employer must explain the reasons why they were not selected, mention the potential specificities of the position, and justify their decision to recruit a third-country national.</p> <p>The enforceability of the employment situation only applies to salaried employees subject to a work permit, and thus concerns unlimited-term contracts ("employee" residence permit), fixed-term contracts ("temporary worker" residence permit), seasonal employment ("seasonal worker" residence permit), or students wishing to work more than the amount of time authorized by their permit, or asylum seekers who filed an asylum application for more than 6 months (article R5221-3 of the CESEDA).</p> <p>However, there are various cases in which the employment situation cannot be used as an argument against the recruitment of a third-country national:</p> <ul style="list-style-type: none"> <li>• The recruitment of a third-country national for a specific profession and in a certain geographical area, characterized by recruitment difficulties and appearing on a list established by the administrative authority. The list of occupations concerned, by regions, is established by the Decree of 1 April 2021 on the issuance, without the enforceability of the employment situation, of work permits to third-country nationals who are not nationals of a Member State of the European Union, of another State party to the European Economic Area or of the Swiss Confederation.</li> <li>• France has concluded bilateral agreements on the concerted management of migration flows with nine third countries (Senegal, Mauritius, Gabon, Tunisia, Benin, Cape Verde, Burkina Faso, Cameroon and Congo), which establish lists of shortage occupations for which the recruitment of a national of one of these countries cannot be challenged on the ground of the employment situation.</li> <li>• The recruitment of a TCN student who holds a temporary residence permit with the mention "seeking employment or setting up a business", and who has obtained a promise of employment with a salary equivalent to at least 1.5 times the minimum growth wage (SMIC), i.e. 2,281.82 euros gross as of 1 January 2021</li> <li>• The recruitment of a third-country student with a degree at least equivalent to a master's degree</li> </ul>
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			<p>obtained in France during the year, for a job related to their training, with a salary equivalent to at least 2,331.88 euros gross as of 1 January 2021.</p> <ul style="list-style-type: none"> <li>• The conclusion of an apprenticeship contract with an unaccompanied minor entrusted to the Child Welfare System (l'aide sociale à l'enfance, ASE) on the date on which they apply for a work permit.</li> <li>• The recruitment of an unaccompanied minor entrusted to the ASE and aged between 16 and 18, who can obtain an "employee" or "temporary worker" residence permit.</li> <li>• The recruitment under the "young professional" scheme of the French Office of Immigration and Integration, which is aimed at young professionals between the ages of 18 and 35, and who are nationals of one of the 17 third countries participating in this scheme.</li> </ul> <p>Finally, some categories of salaried activities are exempt from holding a work permit:</p> <ul style="list-style-type: none"> <li>- Salaried activities for a duration of less than or equal to three months in the field of events (cultural, scientific, etc.), conference, visual production, modelling, personal services, auditing mission, or visiting professors.</li> <li>- Salaried activities that require a residence permit equivalent to a work permit, for instance: residence permits bearing the mention "talent passport" issued to various categories of workers (such as salaried employed, highly qualified employee, qualified employee in an innovative company", or employee on assignment) or the "ICT posted employee" resident permit).</li> </ul> <p>3. The job description is too specific that will limit the possibility to be filled by a job seeker., The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., The rejection of the employer of a jobseeker who fulfils all the requirement is unjustified.</p> <p>4. According to article R.5221-20 of the Labour Code, in addition to the assessment of the employment situation in the profession and the employment area concerned, the work permit is granted to a third-country national when the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The employer must respect the obligations related to their status or activities;</li> <li>• The employer has not been convicted for illegal labour, or a violation of general health and safety regulations;</li> <li>• The employer has not been subject to administrative sanctions;</li> <li>• The conditions of employment and remuneration for the activity concerned are respected.</li> </ul>
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			<p>5. Yes, so long as the workers have access to the French labour market.</p> <p>6. Nationals of European Union Member States, other states party to the European Economic Area agreement and the Swiss Confederation who have access to the labour market may apply and be recruited without needing to obtain a work permit (article L. 5221-2 of the Labour Code). The recruitment will then follow the usual recruitment formalities and procedures, similarly to what would apply for the recruitment of a French national.</p> <p>7. Given the recent introduction of the new procedures for the recruitment of third-country nationals for a salaried activity (1 April 2021), data on the number of negative and positive decisions following the assessment of the employment situation in the context of an application for a work permit are not available. Nevertheless, the data from the French Ministry of the Interior show that 28,400 residence permit for salaried workers and 4,559 residence permit for temporary or seasonal workers were delivered in 2019. In 2020, 20,370 residence permit for salaried workers and 2,725 residence permit for temporary or seasonal workers were delivered. The available data for 2019 and 2020 do not distinguish between the different types of residence permit granted, including those subject to the enforceability of the work situation requirement.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Yes, but only in particular cases. In general, the Skilled Immigration Act abolished the labour market test for all kind of qualified jobs. The Skilled Immigration Act entered into force on March 1st 2020. A labour market test is still necessary if it is particularly stipulated by law. Currently, there is only a few provisions that stipulate a labour market test. The most important is a privileged immigration track for people from particular countries listed in Section 26 of the Ordinance on the Employment of Foreigners (“Beschäftigungsverordnung”), for example the US, Canada, Japan and countries on the western Balkans. Citizens from these countries may get a residence permit for all kind of jobs, also unskilled jobs, regardless of their qualification. If citizens from these countries choose this way of work immigration, a labour market test is in place.</p> <p>2. The labour market test is part of the visa process. The visa agency asks the Federal Employment Agency</p>

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			<p>("Bundesagentur für Arbeit") for their approval if someone applies for a work visa based on Section 26 of the Ordinance on the Employment of Foreigners. The Federal Employment Agency may give its approval if no German workers, foreigners having the same legal status as German workers with regard to the right to take up employment or other foreigners who are entitled to preferential access to the labour market under the law of the European Union are available for the type of employment concerned (Section 39 paragraph 3 No. 3 Immigration Act). In an internal process, the local Employment Agency pursues the labour market test by comparing the job offer with job queries of unemployed people in their district. The employer must fill out a form and give details concerning the job ("Erklärung zum Beschäftigungsverhältnis").</p> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires. If the Employment Agency finds one or more preferable job seekers, they reject the labour market test by a note "preferable job seekers in place". If the employer is interested to hire the preferable job seekers, the employment agency refers them to the employer.</p> <p>4. In addition to the labour market test, the foreigners may not be employed under less favourable terms than people that already are employed in an equivalent position in Germany.</p> <p>5. Yes.</p> <p>6. The worker from the EU needs to be registered on the Public Employment Services' portal.</p> <p>7. No data available.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. In the single application procedure – regarding the support of the employment of a third country national in Hungary– in the procedure of first instance this is the competent capital or county government office according to the place of employment (hereinafter called: government office) which acts, while in the procedure of second</p>

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			<p>instance the minister responsible for employment policy acts as special authority.                  In the procedure which is aimed to issue and extend single permit – to the request of the immigration authority having scope of authority and competence – the government office gives its expert opinion that it supports or not the third country national’s employment in Hungary in the sphere of activities determined in a preliminary agreement.                  If the expert opinion has to be issued with the review of the labour market situation, the government office examines the following:</p> <ul style="list-style-type: none"> <li>• The third country national has the required qualification to the sphere of activity specified in the preliminary agreement.</li> <li>• The employer has valid demand of employment relating to the work to be done by the third country national.</li> <li>• After submission of the demand of employment by the employer, no registered jobseeker, who meets the employment conditions by law and in the employer’s demand of employment was matched by the labour centre - the competent district office notifies the government office on that.</li> <li>• The third country national meets the employment conditions defined by law and in the preliminary agreement.</li> </ul> <p>If the expert opinion has to be issued without the review of the labour market situation - after the verification of the eligibility criteria:</p> <ul style="list-style-type: none"> <li>• the employer is not required to have a valid demand of employment for the activity to be performed by the third-country national,</li> <li>• it is not necessary to examine whether there is someone who is registered as a jobseeker and who meets the conditions of employment prescribed by law or specified in the preliminary agreement.</li> </ul> <p>The government office only examines that the third country national meets the employment conditions specified by law and preliminary agreement.</p> <p>In case the employment is based on a work permit, the application for the permit needs to be submitted by the employer and the necessary forms can be obtained from the government offices or the district offices of the county (capital) of the government office acting as a public employment body (hereinafter: district office).                  The employer declares a demand of employment in the district office in whose area of competence the planned</p>
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			<p>employment takes place. The content of application form for demand of employment and the application for a work permit must be the same (e.g. job, basic salary, place of work, etc.).                      If there is no registered labour force for the given job - and the application, the employer and the third - country national also meet the other conditions - the employment of the third - country national in Hungary is authorized by the government office.</p> <p>A demand of employment is considered to be valid, if submitted by the employer                      (a) at the same time as the application, or                      (b) before the application was submitted, but not more than 60 days, or                      (c) more than 60 days but has been renewed at least 60 days before the application was submitted.</p> <p>3. Other.                      q3.docx</p> <p>4. If the conditions set out in the relevant legislation and in the preliminary agreement are met, the government office issues a positive authority opinion and there is no restrictive factor as described in point 3, there is no obstacle to the employment of the third-country national from the labour market point of view.</p> <p>5. Yes.</p> <p>6. The employer is required to submit the demand of employment to the district office, in which he / she also requests for job placement. There is no need to publish the vacancy elsewhere.                      The district office compares the submitted demand of employment with the contact details of jobseekers in the EU Member States and whether they are matching for the job.</p> <p>7. There is no central record of the results of the labour market tests.</p>
	EMN NCP Ireland	Yes	1. Yes.

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			<p>2. The Irish Government's policy is that employment opportunities which arise in Ireland should, in the first instance, be offered to suitably skilled Irish and other EEA nationals, and should only be offered to non-EEA nationals where no suitable candidate emerges from within the EEA to fill the vacancy. A labour market needs test is required for a General Employment Permit and a Contract for Services Employment Permit and the application for an employment permit must be submitted within 90 days (120 days for third level institutions) of the notice being published.</p> <p>In order to complete the Labour Market Needs Test, the employer must: advertise the vacancy:</p> <ul style="list-style-type: none"><li>• with the Department of Social Protection Employment Services/EURES employment network for at least 4 weeks and</li><li>• in a national newspaper for at least 3 days and also</li><li>• in either a local newspaper or jobs website (separate to Department of Employment Affairs and Social Protection/EURES websites) for 3 days</li></ul> <p>In line with Regulations made under the Employment Permits Act 2006, as amended the notice must include the following information:</p> <ul style="list-style-type: none"><li>• a description of the employment,</li><li>• the name of the employer,</li><li>• the minimum annual remuneration,</li><li>• the location/s of employment, and</li><li>• the hours of work.</li></ul> <p>A labour market needs test is not required in the following circumstances:</p> <ul style="list-style-type: none"><li>• Where the job is an occupation included on the Critical Skills Occupations List</li><li>• Where the job offer is in respect of an eligible employment with a minimum annual remuneration of €64,000. Employment permits cannot be issued in respect of employments, irrespective of remuneration, on the Ineligible List of Occupations for Employment Permits.</li><li>• Where the employee to the application has been made redundant from their previous employment</li></ul>
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			<ul style="list-style-type: none"><li>• Where the job offer is for a Carer of a person with exceptional medical needs and the non-EEA national has been providing care to the person before the application was made and that person has developed a high level of dependence on that non-EEA national.</li></ul> <p>A labour market needs test may be waived:</p> <ul style="list-style-type: none"><li>• Where a recommendation from Enterprise Ireland or IDA Ireland has been made in relation to the job offer (this applies to client companies of Enterprise Ireland or IDA Ireland only)</li></ul> <p>3. Other. The job vacancy has been filled by a national or EEA citizen before the period of the LMNT expires.</p> <p>4. In Ireland, the employment permit and the residence permit are separate. Once the LMNT has shown that the vacancy cannot be filled by an Irish or EEA national, an application for an employment permit may be made to the Department of Enterprise, Trade and Employment under the terms of the Employment Permits Act 2006 (as amended). If the application is successful, the employment permit is issued to both the employer and the employee. All TCNs who are resident in Ireland for longer than 90 days are required to register their residence permission with the immigration authorities in accordance with the Immigration Act 2004. On registration, the TCN receives an EU-format Irish Residence Permit card, and an immigration stamp is placed in their passport.</p> <p>5. Yes.</p> <p>6. The vacancy is advertised on the EURES portal for 28 days (see answer to question 2).</p> <p>7. Statistics are published by nationality and by sector at: <a href="https://enterprise.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Statistics/">https://enterprise.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Statistics/</a> A breakdown between employment permit types is not published.</p>
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	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. YES. The Italian system provides for labour market tests included in an entry system through quotas for the issuance of a nulla osta to work aimed at the entry in Italy of a foreign worker residing abroad.</p> <p>2. Pursuant to art. 22 of Legislative Decree no. 286/1998 and subsequent amendments (Testo Unico sull'Immigrazione, TUI, "Consolidated Act on Immigration") and art. 30-quinquies of Presidential Decree 394/1999 (implementing regulations), the Italian employer or foreigner legally residing in Italy who intends to establish a subordinate employment relationship with a foreigner residing abroad on a fixed-term or open-term basis in Italy must submit a suitably documented application to the Single Desk for Immigration (Sportello unico per l'immigrazione, SUI) in the province of residence, or the province where the company's registered office is located, or the province where the work is to be carried out, after checking with the competent Employment Centre (Centro per l'impiego, CPI) that a worker present on national territory is not available.</p> <p>In cases where the employer does not have direct knowledge of the foreigner, the Italian employer or the foreigner legally residing in Italy may request, by submitting suitable documentation on the accommodation and the proposed work contract, the nulla osta to work for one or more persons registered in the lists of available workers managed by the CPI, which is competent in the territory.</p> <p>According to the Implementing Regulation, these steps are carried out through an endoprocedural procedure. In particular, applications for employment, both nominative and numerical, are transmitted telematically, with the integration of databases, from the SUI to the CPI competent in relation to the province of residence, domicile or registered office of the applicant, with the exception of nominative applications for seasonal workers, referred to in Article 24 of the TUI.</p> <p>The SUI, within a maximum overall term of sixty days from the presentation of the request, provided that the above-mentioned prescriptions and the prescriptions of the collective labour agreement applicable to the case have been respected, issues, in any case, after consulting the Chief of Police (Questore), the nulla osta in compliance with the numerical, quantitative and qualitative limits determined within the programming of the annual quotas, at the request of the employer, transmits the documentation, including the tax code, to the consular offices, by telematic means.</p> <p>Requests for authorisation shall be examined within the numerical limits laid down in the decree programming</p>
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			<p>the annual quotas. Requests exceeding these limits may be examined within the framework of the quotas that subsequently become available among those established by the same decree.</p> <p>The work authorisation is refused if the employer has been convicted in the last five years – even with a non-definitive sentence – of aiding and abetting clandestine immigration, of illegal brokering and labour exploitation, of employing irregular labour or foreign workers without a residence permit and of other cases (Article 22, paragraph 5-bis of the TUI).</p> <p>3. Other. Pursuant to the Implementation Regulation, within 20 days from the receipt of the request, the Employment Centre (Centro per l'impiego, CPI), through the information system, disseminates it and communicates to the Single Desk for Immigration (Sportello unico per l'immigrazione, SUI) and to the employer the data of the declarations of availability received also from non-EU workers registered in the job availability lists or, in any case, registered as unemployed seeking employment, or any negative certifications. If, within this deadline, the employment centre informs the SUI and the employer of the availability of workers residing in the Italian territory, the request for a nulla osta relating to the foreign worker remains suspended until the employer informs the SUI and, for information, the employment centre that he intends to confirm the request for a nulla osta relating to the foreign worker. Within 4 days of the communication from the CPI, in case no declarations of availability for employment have been received from Italian workers or foreign workers legally residing in Italy, the employer communicates to the SUI and, for information, to the CPI, whether he intends to revoke the request for the authorisation of the foreign worker.</p> <p>4. In the event of a positive outcome of the procedure, the Single Desk for Immigration (Sportello unico per l'immigrazione, SUI) issues a nulla osta for subordinate work valid for a period not exceeding six months from the date of issue for entry into Italy.</p> <p>The Italian consular offices in the foreigner's country of residence or origin, after the necessary verifications, issue an entry visa indicating the tax code, which is communicated by the SUI. Within eight days of entry, the foreigner goes to the SUI that issued the nulla osta in order to sign the residence contract, which is then kept there and a copy of which is sent by the latter to the competent consular authority and the competent Employment Centre (Centro per l'impiego, CPI).</p>
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			<p>The subsequent residency permit may last one year in the case of a fixed-term employment contract or two years, renewable, in the case of an open-ended employment contract.</p> <p>5. NO</p> <p>6.</p> <p>7. This data is not available.</p>
	EMN NCP Latvia	Yes	<p>1. No.</p> <p>Third-country nationals who enter the Republic of Latvia with or without visa are not allowed to exercise economic activities in an employed capacity. Third-country nationals (TCN) can be employed only in cases that are stated in normative acts and if they have received a visa or residence permit for employment and work permit.</p> <p>If a legal entity which is considered an employer is intending to employ TCN by entering into an employment contract, it shall register a vacancy with a branch of the State Employment Agency (in general lines it could be considered as a labour market test). If the vacancy is vacant for more than 10 days after registration, the employer may turn to the Office of Citizenship and Migration Affairs in order to confirm an invitation for requesting of a visa or a sponsorship for requesting of a residence permit for a TCN.</p> <p>The employer shall submit the project of labour contract, corporate agreement or any other kind of civil agreement; submit the information needed for issuance of work permit on the employment sector of foreigner, on the profession of foreigner, on the working time (hours) per week, on the wage per month, on the address of the work place.</p> <p>Employers may invite seasonal workers with the purpose of employment for a period of up to six months (the vacancy shall be vacant for 10 days). Professions in which a significant shortage of labor is forecasted and the professions for which a vacant vacancy is not required at all are stated in the special regulations of Cabinet.</p> <p>The work permit is not needed if TCN enters for road shows (concerts) as performer (musician, singer, dancer, actor, dangler etc.), author (composer, choreograph, film/stage director, stage designer etc.), administrative or</p>

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			<p>technical worker who is responsible for ensuring performances (concerts) and if planned residence time does not exceed 14 days; if foreigner enters in accordance with educational institutions or scientific institute's or independent researcher's invitation in relation with scientific studies or in order to participate in implementing educational programs and if planned residence time does not exceed 14 days.</p> <p>If TCN's employment is related with regular residence in the Republic of Latvia, which exceeds 90 days within half a year, the foreigner is obliged to receive temporary residence permit and work permit. Documents to be submitted in order to receive a residence permit in the Republic of Latvia in connection with a labour agreement or an enterprise agreement , a photography, a document confirming the necessary subsistence, a document confirming the state duty payment, a statement on punishability issued by a competent institution of the citizenship or the host country (for a foreigner more than 14 years old), if a foreigner has resided in that country longer than 12 months.</p> <p>2. N/a</p> <p>3. Other. N/a</p> <p>4. N/a</p> <p>5. N/a</p> <p>6. N/a</p> <p>7. N/a</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. The labor market test is not required for professions included in the list of professions that require high qualifications that are in demand in the Republic of Lithuania. This test is not applied to high qualifications</p>

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			<p>employees who have worked in Lithuania for two years and want to change their temporary residence permit. Employees whose salary exceeds three average monthly salaries and heads of companies that meet certain financial performance requirements are also exempt from the LMT.</p> <p>The necessary steps of the labor market test are specified in Order No. A1-139 of 19 March 2015 of the Minister of Social Security and Labor Concerning the Approval of the Procedure for the Adoption of Decisions on Whether a Foreign National's Work Responds to the Needs of the Labor Market of the Republic of Lithuania. According to Order No. A1-139, the employer who intends to offer an employment contract to a foreigner must first register the available job position with the Employment Service. The job announcement must be valid for at least five working days. If within five working days from the job announcement no suitable applications have been received from registered jobseekers who are citizens of the Republic of Lithuania or a Member State of the European Union or a member of the European Free Trade Association, or from a third-country national who has permanent residence in another Member State or who has legal residence in Lithuania and already participates in the employment market, then the employer can apply to the Employment Service for a decision on whether a foreign national's work corresponds to the labor market needs. The employer must submit the application documents within one month from the expiry of the announcement about the available position. The following documents must be submitted: the application form; copies of the foreigner's travel document and visa; the employer's promise to employ the foreigner for at least 6 months; proof of the foreigner's qualification (diplomas, certificates etc.) and work experience during the past five years; a notice on the employer's unpaid administrative fines; information about social insurance contributions made by the employer for its foreign employees over the past six months; and an application fee. All documents must be translated to Lithuanian. The package of the required documents differs slightly between different categories of foreigners: foreigners who are transferred internally within the employer's company; those who receive facilitated visa; those who come for an internship; and those with high professional qualifications. The Employment Service must review the application documents and make a decision or refuse to make a decision within seven working days from the receipt and inform the employer by email within three working days from the date of making or refusing to make the decision. The review of documents proceeds in the following steps: 1) the Employment Service checks on the website of the Migration Department if the employer is included in the list of certified companies and whether the foreigner is exempt from or is subject to facilitated visa requirements in accordance Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018; 2) the Employment Service checks the legal status of the employer and the foreigner in the</p>
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			<p>Registry of Legal Persons; 3) the Employment Service checks in the Registry of Foreigners whether the information in the application corresponds to the information in the passport and the visa or the temporary residence permit; 4) The employment Service checks in its own information system whether the information on the work permit in the application corresponds to the information in the database and whether the employer has submitted all the required information about the employment of the foreigner to the Social Security and Labor Ministry; 5) the Employment Service assesses whether the foreigner's qualification and/or work experience are suitable for the job position; 6) the director of the Employment Service reviews the information collected in the above steps and passes a decision. The positive decision is valid for the duration of the foreigner's employment in Lithuania but not longer than three years. In case of a refusal to make a decision, the employer may enter the process of appeal or resubmit the application after six months.</p> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., Other. The criteria for issuing the decision are specified in Article 6 of Order No. A1-139 of 19 March 2015 of the Minister of Social Security and Labor Concerning the Approval of the Procedure for the Adoption of Decisions on Whether a Foreign National's Work Responds to the Needs of the Labor Market of the Republic of Lithuania. Order No. A1-139 lists the following grounds for the refusal to pass a decision on whether a foreign national's work corresponds to the labor market needs: -----The job vacancy has been filled by a national, EU citizen or a legally staying third-country national within 5 days from its announcement; -----There is a suitable jobseeker registered in the information system of the Employment Service; -----Other: --Issues related to the third-country national, such as: The third-country national's qualifications and work experience are not suitable for the job position; The third-country national is not subject to or is exempt from the LMT (e.g., third-country nationals who seek employment within two years after completing higher education studies in Lithuania); The third-country national's visa or temporary residence permit is based on employment with a different employer; Other issues based on the requirements of the Republic of Lithuania Law on the Legal Status of Aliens ---Issues related to the employer: Lacking, incomplete, incorrect, or late submission of the required documents by the employer; The employer lacks legal status in Lithuania; Other issues based on the requirements of the Republic of Lithuania Law on the Legal Status of Aliens</p> <p>4. Once the LMT has been completed, the employee must apply for a work permit and obtain the national visa D. With the national visa, the employee can enter Lithuania and work for one year. After one year, the</p>
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			<p>employee must apply for a residence permit. The following documents must be included in the online application for temporary residence permit: a copy of the passport and the visa; the registration number of the employer's letter of intermediation submitted through the migration information system; decision regarding the LMT; proof of sufficient financial means if the monthly salary indicated in the intermediation letter is below the minimum monthly salary; a written promise to declare the place of residence in a place that meets specified requirements (some jobs are exempt from this requirement); a criminal record certificate for the past two years; health insurance; proof of payment of the application fee. All documents must be translated to Lithuanian.</p> <p>5. Yes.</p> <p>6. The Employment Service forwards all the job vacancies announced by employers to the EURES portal unless the employer requests not to advertise the position on that portal. The Employment Service does not possess information on the interest that the announced positions receive from citizens of other EU countries.</p> <p>7. In 2019, the Employment Service received 2548 applications by employers for a decision on whether a foreign national's work corresponds to the labor market needs. In 2020, there were 3280 such applications. The total number of decisions on whether a foreign national's work corresponds to the labor market needs was 3307 in 2020, which is 1.3 times more than in the previous year. All decisions regarding the employers' applications in 2019 and 2020 were positive.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. In Luxembourg, before recruiting a salaried worker, employers must make a declaration of vacant position to the National Employment Agency (ADEM).</p> <p>The declaration will allow the employment agency to check whether there is a suitable candidate available on the local or EU job market.</p>

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			<p>If the job offer cannot be filled with a person registered with the ADEM (national, EU citizen or legally staying third-country national) 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.</p> <p>To this 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.</p> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., A worker referred to employer by the PES is willing to accept the job., The rejection of the employer of a jobseeker who fulfils all the requirement is unjustified., The PES has referred a sufficient number of qualified jobseekers to the employer (regardless of the result of such referral).</p> <p>4. 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".</p> <p>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.</p> <p>The application for a temporary authorisation to stay must contain the applicant's identity details (surname, first name(s) and address) and must be accompanied by the following documents and information:</p> <ul style="list-style-type: none"> <li>• a copy of the valid passport, in its entirety;</li> <li>• an extract from the criminal records or an affidavit (sworn declaration) established in the country of residence;</li> <li>• a curriculum vitae;</li> <li>• a copy of their diplomas or professional qualifications;</li> <li>• a copy of the employment contract (compliant with Luxembourg law), dated and signed by both the applicant and his future employer in Luxembourg;</li> <li>• the original copy of the certificate from the National Employment Agency granting the employer the</li> </ul>
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			<ul style="list-style-type: none"> <li>• right to hire a third-country national;</li> <li>• where necessary, a power of attorney.</li> </ul> <p>The documents enclosed must be originals or certified true copies (except for passports and diplomas, for which plain copies will suffice). Should the authenticity of a document be in doubt, the Minister of Immigration can request that the document be authenticated by the appropriate local authority and legalised by the Embassy (or alternatively notarised with an apostille of the Hague).</p> <p>If the documents are not drawn up in German, French or English, an official translation by a 'sworn translator' must be attached.</p> <p>5. No. ADEM only checks availability on jobseekers registered with ADEM (this may include border workers also registered with ADEM).</p> <p>6. N/A.</p> <p>7. In 2019, out of 2.736 decisions on certificate applications for granting the right to recruit a third-country national, there were 2.497 positive decisions resulting in a positive decision rate of 91,26% and 239 refusals, resulting in a refusal rate of 8,74%. In 2020, out of 1.955 decisions on certificate applications for granting the right to recruit a third-country national, there were 1.629 positive decisions resulting in a positive decision rate of 83,32% and 326 refusals, resulting in a refusal rate of 16,68%.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Yes there is a labour market test in place. Whether or not a labour market test is applicable depends on the purpose and duration of the stay in the Netherlands.</p> <p>2. Before the employer can apply for a single permit or work permit (depending on the purpose and duration of the stay) the employer needs to register the vacancy to the UWV five weeks before he/she submits the application. After that period the employer can submit an application at either the</p>

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			<p>Immigration and Naturalisation Service (IND) or the Employees Insurance Agency (UWV). The employer has to prove that he made sufficient efforts to find suitable candidates in the Netherlands or the EEA. The employer must have tried to find employees from whom no work permit is required by as many sources as possible, such as vacancy websites, networks such as LinkedIn, (international) temporary employment agencies, advertisements in (professional) journals. The application form requires the employer to send the relevant documents which can prove that these efforts have been made. The UWV examines whether or not there are candidates present in the EEA and the Netherlands who could fulfill the vacancy. If this is the case the application will be denied.</p> <p>3. Other.</p> <p>4. Beside the labour market test the UWV examines some other criteria:</p> <ul style="list-style-type: none"> <li>• The foreign employee must have (or receive) a valid residence permit with which he is allowed to work. If the work lasts less than 3 months, a visa is usually sufficient.</li> <li>• The working conditions and working relationships must also be equal to what is normal for the foreign employee. In addition, the employer is obligated to pay at least the statutory minimum wage for an employee aged 21 and older. This is also the case when the employee is younger than 21 or works part-time.</li> <li>• The employer has to arrange a safe and clean place to live for the foreign employee.</li> <li>• The foreign employee must be over 18 years old.</li> <li>• The employer should not be fined for violation of labour laws in the 5 years prior to the application.</li> <li>• If the foreign employee has applied for a single permit, he/she also has to meet general conditions that apply to all purposes of stay. The IND examines these criteria, such as a valid passport or other travel document, if he/she has signed a antecedents certificate and a declaration to undergo a tuberculosis test (if applicable).</li> </ul> <p>5. Yes. The UWV examines whether or not workers are present in the other member states and the European Economic Area.</p>
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			<p>6. The employer must be registered at least 6 weeks in advance on EURES in order to submit a work permit. However, he can also choose to find suitable candidates in the EU/EER in other ways, such as via (international) temporary employment agencies. At the application the employer must prove which efforts have been made. UWV makes use of the available information in the EURES-system. If many European jobseekers are registered, the employer has to explain why he did not succeed in filling in the vacancy with one of them.</p> <p>7. In 2019 47% was positive and 41% was negative and in 2020 53% of the decisions was positive and 44% was negative.</p>
	EMN NCP Poland	Yes	<p>1. YES</p> <p>2. The labour market test is the procedure of acquiring information about the situation on the local labour market; such procedure should confirm the lack of eligible Polish nationals or EU nationals who could be employed in a given position. This means that an foreigner may be granted a work permit for a specific employer in Poland only under the condition that among the job seekers registered at the labour office there are none who would meet the job requirements. The procedure is as follows:</p> <ol style="list-style-type: none"> <li>1. an employer submits to the District Labour Office a notification of a vacancy. Codes and names of occupations can be found at <a href="http://www.praca.gov.pl">www.praca.gov.pl</a>;</li> <li>2. labour office analyses the records of the unemployed and job seekers;</li> <li>3. if the analysis reveals an adequate number of persons meeting the requirements arising from the job description, the Labour Office organises the recruitment among the unemployed and job seekers;</li> <li>4. labour office compares the amount of remuneration proposed by the employer with the remuneration that can be obtained in the same, or similar occupation or for performance of similar type of work - these sums should be similar;</li> <li>5. The poviast governor (district governor) issues the relevant decision: <ul style="list-style-type: none"> <li>• if there is no person who can be recruited from among the unemployed and job seekers - within 7 days</li> </ul> </li> </ol>

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			<p>from the date of placing the offer at the labour office;</p> <ul style="list-style-type: none"> <li>• if recruitment among the persons registered at the Labour Office is possible, this period amounts to 14 days from the date of placing the offer at the labour office;</li> </ul> <p>6. Such decision issued by the governor is passed to the employer who attaches it to an application for a work permit.</p> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires., A worker referred to employer by the PES is willing to accept the job.</p> <p>4. After LMT has been completed allowing the employer to proceed with the process of legalizing the employment (i.e. submitting for the work permit), the standard criteria for the non-EU citizens must be fulfilled: For a national of a state outside the European Union / European Economic Area to work in Poland legally, they need to fulfill the conditions mentioned below:</p> <ul style="list-style-type: none"> <li>- hold a document permitting them to enter a Polish labour market, e.g. a work permit, a seasonal work permit, a declaration on entrusting work to a foreigner or a temporary residence and work permit (or be exempted from the said requirement pursuant to specific regulations);</li> <li>- hold a residence document offering also the right to work (e.g. a relevant visa or residence permit);</li> <li>- work in line with the terms and conditions included in the permit or declaration solely for the employer indicated in the document;</li> <li>- execute a relevant work contract with the employer.</li> </ul> <p>5. YES</p> <p>6. The procedure is parallel, see the description above (answer no. 2).</p> <p>7. Following the labour market test, the authorities issued 4,900 negative opinions in 2019 and 9,687 in 2020.</p>
	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. No. No. If not residing in Portugal, third country nationals must apply for residence permit in an electronic platform.</p>

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			<p>Some conditions such as having sufficient means of subsistence, adequate accommodation and a work contract are necessary.                  More information in English at:  <a href="https://imigrante.sef.pt/en/solicitar/trabalhar/">https://imigrante.sef.pt/en/solicitar/trabalhar/</a></p> <p>2. NA</p> <p>3.</p> <p>4. NA</p> <p>5. NA</p> <p>6. NA</p> <p>7. NA</p>
	EMN NCP Slovakia	Yes	<p>1. Yes</p> <p>2. When deciding on the application for a work permit or for the EU Blue Card, or in cases where confirmation on the possibility to fill in a vacancy is required, the Office of Labour, Social Affairs and Family or the Central Office of Labour, Social Affairs and Family (in case of Blue Card) is obliged to take into account the situation on the labour market and consider whether the register of job seekers does not include a job seeker that would qualify for the job vacancy in question.                  A vacancy must be reported:</p> <ul style="list-style-type: none"> <li>• At least 10 working days before submitting the application for a work permit - if a work permit is required- at the competent Labour Office,</li> <li>• At least 5 working days before submitting the application for the extension of the work permit for the purpose of the seasonal employment,</li> </ul>

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			<ul style="list-style-type: none"><li>• At least 20 working days before submitting the application for temporary residence for the purpose of employment - if the confirmation on the possibility to fill in a vacancy is required - at the competent Labour Office,</li><li>• At least 15 working days before submitting the application for the extension of the temporary residence for the purpose of the seasonal employment or</li><li>• At least 15 working days before submitting the application for the EU Blue Card - at the competent Central Labour Office.</li></ul> <p>Labour Office (or Central Labour Office) shall first examine whether the register of job seekers does not include a job seeker that would qualify for the vacancy in question. If such applicants are listed in the register of job seekers, the Labour Office is required to give them a priority. Only Slovak citizens, EU/EEA/CH citizens and their family members and TCNs who have been granted long-term residence in Slovakia may be included in the register of jobseekers. In addition, the Labour Office verifies that the employer has not been found to employ illegally within a period of 5 years prior to the application for temporary residence or its renewal.</p> <p>LMT is also carried out in the event of the extension of temporary residence for the purpose of employment or change of employer.</p> <p>LMT shall not be carried out in the case of employment, which is defined as an employment with labour shortages. For employment where there is a shortage of labour, the competent labour office shall issue a certificate on the possibility of filling the vacancy, by the TCN who applies for temporary residence, without taking into account the situation on the market. The condition is that, at the date of the application for temporary residence, the proportion of third-country nationals employed by the employer is less than 30 % of the total number of employees and that the place of employment is in a district with an unemployment rate of less than 5 %. Jobs with labour shortages in districts with less than 5 % average registered unemployment are published by the Central Office of Labour, Social Affairs and Family at quarterly intervals.</p> <p>The employment office shall issue a work permit, without taking into account the situation on the labour market, to a third-country national if provided for by an international treaty by which the Slovak Republic is bound.</p> <p>Similarly, without taking into account the situation on the labour market, the Labour Office will issue a confirmation on the possibility of filling a vacancy in case the TCN carries out a continuous educational or</p>
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			<p>scientific activity in Slovakia as a teaching staff, university teacher, researcher or artist, researcher or researcher.</p> <p>In cases where confirmation on the possibility of filling a vacancy is not required for the granting of temporary residence for the purpose of employment (e.g. TCN who has completed studies at a secondary school or university in the territory of the Slovak Republic), no LMT is carried out.)</p> <p>Even in cases where the labour office issues a certificate on the possibility of filling a vacancy without taking into account the situation on the labour market and where no confirmation on the possibility of filling the vacancy is required, a vacancy notice must be submitted to the labour office. However, it is not required for the employer to do it within the abovementioned time-limits prior to the submission of an application for temporary residence for the purpose of employment.</p> <p>3. PES will issue a negative decision, without referring jobseekers to the employer, if according to the data there are enough jobseekers who can fulfil the job vacancy., Other. The Labour Office shall issue a confirmation on the possibility of filling the vacancy or the vacancy corresponding to highly qualified employment, which shall contain an objection to its occupation if the conditions laid down in the national legislation are not met. The reasons may be: unfavourable labour market situation, vacancy may be occupied by a registered job seeker, a sufficient number of suitable job seekers is available (i.e. a Slovak national would be given a priority), legal conditions are not met (conditions for being issued a work permit are also listed here <a href="https://www.mic.iom.sk/en/work/work-permit.html">https://www.mic.iom.sk/en/work/work-permit.html</a>).</p> <p>4. An application for temporary residence for the purpose of employment must be submitted together with all the documents referred to in Paragraph 32(2) of the Act on the residence of foreigners (this list includes administrative documents such as photo, proof of purpose of stay, integrity/clean criminal record, proof of financial resources for residence, proof of financial resources for conducting business activities, proof of accommodation (with certain exemptions) etc.). When making the decision, the police department must take into account the circumstances referred to in Section 33(1) of the Act on the residence of foreigners and there must be no reason for the police department to refuse the application (Section 33(6) and (7) of the Act) - this includes the list when the police department shall refuse an application for the granting of temporary residence).</p>
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			<p>The Act on Residence of Foreigners is also available in English <a href="#">404 ACT Of 21 October 2011 - On Residence of Foreigners and Amendment and Supplementation of Certain Acts (minv.sk)</a>.</p> <p>5. No.</p> <p>6. N/A</p> <p>7. 2020: almost 82% positive and 18% negative decisions 2019: over 84% positive and 16% negative decisions</p>
	EMN NCP Slovenia	Yes	<p>1. Yes.</p> <p>2. If Slovenian employer wants to employ third country national (first employment in Slovenia) it has to perform a labor market control beforehand. The employer should fill out the PDM-KTD (see attachment) form (vacancy notice - labor market control).</p> <p>Based on the submitted PDM-KTD form, the Employment service will issue a notification within 5 working days of its receipt as to whether there are suitable persons in the unemployment register.</p> <p>1. If there are no suitable persons in the unemployment register, the procedure of employment of third country national may proceed by obtaining a work permit or a single residence and work permit. 2. If the relevant persons are on the unemployment register, the company cannot employ a foreigner. You can look for candidates on the Slovenian labor market. obrazec_pdm_ktd.pdf</p> <p>3. The job vacancy has been filled by a national, EU citizen or a legally staying third country national before the period of the LMT expires.</p> <p>4. The additional criteria for the issuing the single residence permit on the side of labour market access</p>

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			<p>are stipulated in Article 17 of the Employment, Self-Employment and Work of Foreigners Act. In the procedure for issuing a single residence permit for the purpose of employment, the Employment Service shall grant a consent provided that the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. there are no suitable unemployed persons in the register of unemployed persons;</li> <li>2. the employer has been appropriately registered or entered in the Register of Agricultural Holdings or in the Business Register to pursue the activity in which the alien concerned is to carry out work;</li> <li>3. the employer is not in a winding-up or bankruptcy procedure;</li> <li>4. the employer is actively pursuing its business operations, which shall mean that:             <ul style="list-style-type: none"> <li>– the employer had at least one person in full-time employment and registered in the compulsory social insurance schemes for at least six months prior to submitting the application; or</li> <li>– the employer was registered in the compulsory social insurance schemes as an individual registered to pursue an activity or entered in the Register of Agricultural Holdings for at least six months before submitting the application; or</li> <li>– receipts from business operations amounting to at least EUR 10,000 were recorded in the employer's transaction account in the Republic of Slovenia in each month during the six-month period before the application was submitted;</li> </ul> </li> <li>5. the employer filed monthly withholding tax returns for income from the employment relationship or payslips, if the employer employed workers, over the last six months prior to the month in which the application was submitted or during the period of operation, if shorter than six months, and had no outstanding tax liabilities as of the date of the submission of the application;</li> <li>6. the quota determined in Article 41 of this Act has not been reached;</li> <li>7. the foreigner fulfils the conditions required by the employer;</li> <li>8. the employment contract signed by the employer in accordance with this Act has been submitted;</li> </ol> <p>Together with consent, additional conditions for issuing residence permit are described in paragraph 3 of Article 33 of the Foreigners Act.</p> <p>A foreigner who wishes to reside in the Republic of Slovenia must have a valid travel document that is valid for at least three months beyond the intended residence in the Republic of Slovenia, adequate health insurance and sufficient means of subsistence during his or her residence in the country, or</p>
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			<p>other guarantees that his or her means of subsistence will be provided, on a monthly basis, in an amount corresponding to at least the basic minimum income in the Republic of Slovenia. Additionally a foreigner must also provide certificate of impunity from his/her homeland.</p> <p>5. Yes.</p> <p>6. The availability is checked against the listed job seekers from EU countries in Slovenian register of unemployed persons.</p> <p>7. Information is not available.</p>
	EMN NCP Spain	Yes	<p>1. In Spain a strictly stated “labour market test” is not applied. It is studied whether the “national employment situation” (NES) allows the hiring of a foreign worker, national of a third country and non-resident in Spain, and its consequent entry, and the issuance of the corresponding authorisation of residence and work. In some cases, as will be seen in the following point, the Public Employment Service may have to issue a certificate to certify that the NES allows recruitment, but highlights, when it comes to certifying whether or not the NES allows recruitment if the employment for which it is intended to be hired is within the “Catalogue of occupations of difficult coverage”, this without having the exceptions to the requirement of the NES. Of all this is discussed in more detail in the answer below.</p> <p>2. To be authorised to enter, reside, and work in Spain, a TCN worker must meet some conditions, among them that the NES allows it.</p> <p>The NES allows the recruitment of a non-resident foreign national, if found in any of the following situations:</p> <ul style="list-style-type: none"> <li>• When the occupation is included in the “catalogue of difficult occupations” published by the State Public Employment Service on a quarterly basis.</li> </ul> <p>This catalogue contains occupations in which the Public Employment Services have found it difficult to manage the job vacancies that employers present to them when they want to fill vacant jobs. The catalogue is prepared for each province, islands in the case of island provinces and for the autonomous cities of Ceuta and Melilla. It</p>

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			<p>has a quarterly character, extending from the first to the last working day of the calendar quarter following that of its publication. The presence of an occupation in the catalogue of the geographical area concerned implies, for the employer, the possibility of processing authorisation to reside and work for a foreign worker. <a href="https://sepe.es/HomeSepe/empresas/informacion-para-empresas/profesiones-de-dificil-cobertura/profesiones-mas-demandadas.html">https://sepe.es/HomeSepe/empresas/informacion-para-empresas/profesiones-de-dificil-cobertura/profesiones-mas-demandadas.html</a></p> <ul style="list-style-type: none"> <li>• When assessed by the Immigration Office on the basis of the Public Employment Service's certification on the management of the offer concluded with negative result. The Public Employment Service certificate and the job offer presented shall be provided.</li> </ul> <p>In this regard, the company intending to hire a foreign citizen must contact the local office of the Public Employment Service and submit a Job Offer in accordance with the official model provided by the Employment Office, which will be surveyed in its database to verify the number of potential candidates. If such a survey were to produce a small number of candidates, the Employment Office would publish the Employment Offer, which would be maintained for a minimum period of 15 days.</p> <p>After that period, the Employment Office shall forward to the company a list of candidates for interview. The company will interview all candidates nominated by the Employment Office, and only if it does not choose to hire any of them will the company submit a report to the Employment Office on the results and reasons why the applicants were discarded. Once this report has been received, the Employment Office shall evaluate the results and, if it assesses real reasons in the company's arguments, shall draw up the certificate of insufficiency of available candidates. For more information see <a href="https://www.boe.es/eli/es/o/2005/06/03/tas1745">https://www.boe.es/eli/es/o/2005/06/03/tas1745</a></p> <ul style="list-style-type: none"> <li>• When recruitment is directed to nationals of States with which Spain has signed International Agreements (Chile and Peru).</li> <li>• When it is a case referred to in Article 40 of Organic Law 4/2000, which regulates the regime of foreigners in Spain. These assumptions are as follows:             <ul style="list-style-type: none"> <li>— Regrouped family members of working age or the spouse or child of a foreigner residing in Spain with renewed authorisation, or son of Spaniard nationalised, or citizen of the European Union who has been residing in Spain for at least one year.</li> <li>— Worker necessary for the assembly by renovation of a productive installation or equipment.</li> <li>— Aliens who had been granted refugee status during the year following the cessation of the application of the Geneva Convention, or who would have been recognised as stateless in the year following the termination of the status.</li> </ul> </li> <li>-Foreign nationals who are in charge of ascendants or descendants of Spanish nationality.</li> </ul>
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			<p>-Be a son or grandson of Spanish of origin.</p> <ul style="list-style-type: none"> <li>— Worker who has been holder of work authorisations for seasonal activities for two calendar years and has returned to the country of origin.</li> <li>— Worker who has waived residence and work authorisation under a voluntary return programme after the expiry of the period of non-return</li> <li>— Coverage of trust positions and company managers. They are those workers who perform only their own activities of senior management based on mutual trust and who legally exercise the representation of the company or have extended in their favour a general power.</li> <li>— Worker who is hired on the basis of the procedure for authorising the entry, residence and work in Spain, of foreigners in whose professional activity there are reasons of economic, social or occupational interest or whose purpose is to carry out research or development work or teachers, requiring high qualifications, or artistic performances of particular cultural interest.</li> <li>— Employees in a company or group of companies in another country intending to carry out their work for the same company or group in Spain, provided that the activity of the worker requires direct and reliable knowledge of the company.</li> </ul> <p>3. In Spain, there are different ways to overcome the requirement that the NES allows recruitment, as it has been seen in the previous point, to which we refer. There should not necessarily be a resolution of the Public Employment Service on this matter, since it publishes the aforementioned “Catalogue of occupations of difficult coverage”, on a quarterly basis and there are a number of exceptions to the need to take account of this “national employment situation”</p> <p>4. There are very different ways, with different requirements, to obtain a residence and work permit, for self-employed or employed, in Spain. You can see them at <a href="https://extranjeros.inclusion.gob.es/es/informacioninteres/informacionprocedimientos/ciudadanosnocomunitarios/residirtrabajar.html">https://extranjeros.inclusion.gob.es/es/informacioninteres/informacionprocedimientos/ciudadanosnocomunitarios/residirtrabajar.html</a></p> <p>At this point we will inform you of the rest of the conditions, in addition to the fact that the NES allows the hiring, that foreign people who want to enter, reside and work as employees in Spain are asked to:</p> <ul style="list-style-type: none"> <li>• Not to be a citizen of a State of the European Union, of the European Economic Area or of Switzerland, or to be a relative of citizens of those countries to whom the Union citizen immigration regime applies.</li> <li>• Not irregularly found in Spanish territory.</li> </ul>
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			<ul style="list-style-type: none"> <li>• Lack of criminal records in Spain and its previous countries of residence for offences existing in the Spanish legal system.</li> <li>• Not to be prohibited from entering Spain and not to be rejected in the territorial area of countries with which Spain has signed an agreement to that effect.</li> <li>• It is not, where appropriate, within the commitment period of non-return to Spain that the alien has assumed upon voluntary return to his country of origin.</li> <li>• To pay fees for the processing of residence permits and work for employed persons.</li> <li>• To submit a contract signed by the employer and worker that guarantees the worker a continuous activity during the period of validity of the authorisation to reside and work. The date must be subjected to the time of effectiveness of the authorisation of residence and employment.</li> <li>• The conditions laid down in the employment contract shall be in accordance with those laid down by the regulations in force. If the contract is part-time, the remuneration shall be equal to or greater than the minimum inter-professional wage for full-time and in annual computation.</li> <li>• The applicant employer must be registered with the social security system and be aware of the fulfilment of its tax obligations and social security obligations.</li> <li>• The employer must have sufficient financial, material or personal means for his business project and to meet the obligations assumed in the contract towards the worker.</li> </ul> <p>If the employer is a natural person, he/she must, after discounting the payment of the agreed salary, 100 % of IPREM (564,90 euros per month <a href="https://www.iprem.com.es/">https://www.iprem.com.es/</a>) if there are no dependents.          If the family unit includes two members, 200 %. If the family unit includes more than two persons, 50 % of IPREM should be added to the previous amount for each additional member.</p> <ul style="list-style-type: none"> <li>• Possessing the training and, where appropriate, the professional qualification legally required for the exercise of the profession.</li> </ul> <p>5. No.          The search for potential workers who can fill the job is carried out by the Public Employment Service only in its databases, without regard to the nationality of the persons registered there.</p>
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			<p>6.</p> <p>7. Data not available</p>
	EMN NCP Sweden	Yes	<p>1. NO In principle everyone that has received an employment, which has been announced nationally and on EU-level and that fulfills the normal requirements regarding salary and working conditions, is entitled to work and residence permit. Specific regulations are in effect for certain occupations and citizens of certain countries. Within certain industries, more stringent requirements can be placed on the employer.</p> <p>2. Not applicable</p> <p>3.</p> <p>4. Not applicable</p> <p>5. Not applicable</p> <p>6. Not applicable</p> <p>7. Not applicable</p>

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