



**AD HOC QUERY ON 2021.37 AHQ for Impact assessment on revision of the Long-term Residents and Single Permit Directives (Part 2 – Single Permit Directive)**

**Requested by COM on 26 May 2021**

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

**Disclaimer:**

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

**1. Background information**

This EMN AHQ is launched at the request of DG HOME to support an impact assessment study on the revision of the Long-term Residents and Single Permit Directives. It consists of two parts: Part 1 on the Long-term residence permit and Part 2 on the Single Permits Directive. Due to the number of questions, this request will count as three EMN AHQ.

**2. Questions**

**1. Does your Member State only allow applications for a single permit from the country of origin or residence (other than the territory of the Member State)? Y/N**

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

2. If a third country national is residing in your MS and s/he is changing his/her migration status does s/he have to file the application in the country of origin or abroad? YES/NO
3. If you answer yes to question 2, in which cases? Please explain.
4. [For those MS which allow both applications from their territory and from the country of origin/abroad] If available, please provide the number or estimate of the share of applications lodged in the territory of the MS and originating outside the MS
5. Does your MS require applying for an entry visa before the third-country national can lodge a single permit application in the territory? What is its validity and cost?
6. Is the visa-issuance process to enter the Schengen area or the specific MS part of the 4 months maximum duration of the single permit application? Y/N
7. If you answer No to question 6, how long does it takes to issue the visa? Is the deadline for the issuing of long-stay visas set by by your national legislation?
8. Is this document transformed automatically into a residence permit after its validity expires?
9. Is there a deadline established by law for the issue the single residence permit? YES/NO. What was the average waiting time for the issue of the residence permit once the application was made after arrival on the territory in 2019 and 2020?
10. Is the labour market test (LMT) process conducted within the 4-months maximum duration of the single permit application? Y/N
11. If you answer NO to question 10, please explain at what stage it is conducted (e.g. during the visa application procedure, before an employer can make a job offer)?
12. Who decides and how long does it take to decide on the outcomes of the LMT?
13. Are the family members residing outside the EU considered when calculating the amount of family benefits granted to EU nationals and legally staying third-country national? Y/N



We would very much appreciate your responses by **23 June 2021**.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

### 3. Responses

1


		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	<ol style="list-style-type: none"> <li>1. No</li> <li>2. No</li> <li>3. N/A</li> <li>4. No information</li> <li>5. Yes. 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. The cost is 100 Euro.</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."

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>6. No</p> <p>7. 15 calendar days</p> <p>8. No</p> <p>9. The application for a long-term residence permit shall be considered within 14 days of its submission under the conditions and procedure, laid down in the Regulation implementing the Law on Foreigners in the Republic of Bulgaria. In cases of legal and factual complexity and the need to provide additional documents and information, this period may be extended by another month.</p> <p>10. Yes</p> <p>11.</p> <p>12. According to the Art.24i from the the Migration Directorate shall send electronically to the Employment Agency the applications, together with the attached documents, within 14 days from the submission of the application. Within 15 days from the receipt of these files the Employment Agency shall send electronically to the Migration Directorate a written statement of the Executive Director of the Employment Agency regarding the presence or absence of grounds for granting access to the labor market (including the results of the LMT), as in case of irregularities in the documents, as well as in case of necessity for submission of additional documents by the applicant, the Employment Agency notifies the Migration Directorate and this term stops running until the documents are received or until the irregularities are eliminated.</p> <p>13. No information</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. No. In line with provisions of Foreigner Act, general rule is that applications for the issuance of a temporary stay</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>permit (including residence and work permits) shall be submitted at a diplomatic mission or a consular post of the Republic of Croatia.</p> <p>Also, application for a temporary stay permit for a third-country national who is not required to hold a visa to enter the Republic of Croatia may also be submitted at a police administration or a police station (from the territory) according to the third-country national's intended place of stay.</p> <p>Furthermore, an application for the issuance of a stay and work permit may be also submitted by the employer at a police administration or a police station according to the intended place of stay or work of the third-country national, or the employer's head office.</p> <p>2. No.</p> <p>TCN who applies for renewal of residence permit within prescribed time limits, can during this procedure and if no decision has been made, change the purpose of his/her stay.</p> <p>An application for the extension of a stay and work permit shall be submitted no later than 30 days before the expiry of the valid temporary stay permit, at a police administration or a police station according to the location of the third-country national's temporary residence, which shall decide on the extension.</p> <p>3.</p> <p>4. N/A</p> <p>5. No, please see answer to q. 1</p> <p>6. No.</p> <p>7.</p> <p>8.</p> <p>9. Yes.</p>
--	--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<ol style="list-style-type: none"> <li>1. As regards residence and work permit issued on the basis of the opinion provided by the Croatian Employment Service (with previous procedure of LMT; or without LMT if no LMT is required (for professions for which Management Board of the Croatian Employment Service brings decision that no labour market test is required)), police administration or a police station shall decide on the application for the issuance of a stay and work permit within fifteen days from the day of submitting a complete application.</li> <li>2. As regards residence and work permit issued without a labour market test and the opinion provided by the Croatian Employment Service (e.g. EU BC, self-employed, key personnel in companies, ICT, professional athletes or sport workers-list can be found in Art. 110. para 1 of the Aliens Act), general administrative deadlines apply as per provisions of General Administrative Procedure Act; i.e. when deciding directly upon the request of a party an official person shall render the decision and deliver it to the party without delay and no later than within 30 days following the receipt of an orderly request. When conducting an inquiry procedure at the request of a party an official person shall render the decision and deliver it to the party within 60 days following the receipt of an orderly request.</li> </ol> <p>10. No.</p> <p>11. In line with provisions of Aliens Act, prior to submitting an application for the issuance of a stay and work permit, the employer shall request a labour market test from the local service or office of the Croatian Employment Service.</p> <p>12. LMT is performed by local service or office of the Croatian Employment Service and it consists of checking the unemployment records and of the job placement services for recruiting workers from the national labour market. The local service or office of the Croatian Employment Service shall carry out job placement services if the unemployment records show that there are persons who meet the employer's recruitment requirements.</p> <p>The local service or office of the Croatian Employment Service shall inform the employer about the labour market test results at the latest within 15 days from the day the employer made the request.</p> <p>If the labour market test shows that there are no available persons in the unemployment records who meet</p>
--	--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>the employer's recruitment requirements or if the requirements cannot be met by the unemployed persons migrating within the country, the employer may apply for a stay and work permit within 90 days from the day of receipt of a notification on the labour market test results</p> <p>13.</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. Yes. The TCN must file the application in the country abroad, in order to get an approval.</p> <p>3. In the case of change of a status such as eg. From visitor to single permit (employment) or from student to single permit (employment)</p> <p>4. N/A</p> <p>5. Yes, an Entry permit is required, it has a three months validity and it costs 50 euros (fees' payment).</p> <p>6. No</p> <p>7. The visa-issuance has a 3 months maximum duration. Yes, the deadline for the issuing of long-stay visas is set by our national legislation.</p> <p>8. No.</p> <p>9. Yes. The average waiting time for the issue of the residence permit is 4 months.</p> <p>10. Yes.</p> <p>11.</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>12. The Department of Labour of the Ministry of Labour, Welfare and Social Insurances is the responsible body for decision making however there is no specific timeframe on the decision on the outcomes of the LMT.</p> <p>13. Yes</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. No</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. The Czech Republic does not require any entry visa for applying for a single-permit in the territory but lodging an application on the territory of the Czech Republic is possible only in specific conditions (You are also entitled to submit an application for an employee card in the territory of the CR <u>at an office of the Ministry of the Interior (MoI) of the CR</u>, if you are already staying in the territory of the CR on a visa for a stay over 90 days or on the basis of a long-term residence permit for some other purpose, different than employment. In that case, you may submit an application until the very end of validity of such residence permit. However, you are not entitled to lodge the application for employee card if you are residing on the territory on the bases of leave to remain long-term visa or long-term visa issued for the purpose of seasonal work. If you are holder of leave to remain long-term residence permit you are entitled to submit the application for employee card provided that you reside on the territory for a continuous period of time of 3 years based on leave to remain long-term visa and leave to remain long term residence permit.)</p> <p>6. N/A</p>




Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>7. The <u>Act on the Residence of Foreign Nationals</u> sets a standard deadline of 90 days for processing an application for a long-term visa from the day it was filed. In particularly complicated cases, it is 120 days from the day of filing the application and in certain cases (for the purpose of studies, pedagogical activity or research) within 60 days of filing the application.</p> <p>8. N/A</p> <p>9. Yes. The average length of proceedings (application for employment cards) was 164 days (from the beginning of the proceeding to its end). In case of positive decisions it was 119 days. Please note that these data are only indicative. It does not include the total length of the proceeding but only time form the beginning of the proceeding (lodging an application) to the end of the proceeding. It does not include time related to suspension of the proceeding and other necessary acts.</p> <p>10. No</p> <p>11. An employer who intends to fill a job vacancy with a third-country national on the basis of 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 this kind of a job vacancy in the central register of vacancies 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. 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>12. The length of the labour market test is set by the relevant Regional Branch of the Labour Office based on the number of eligible jobseekers.</p>
--	--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			13. No
	EMN NCP Estonia	Yes	<p>1. No</p> <p>2. No</p> <p>3. N/A</p> <p>4. According to the data for 2020, approximately 18% of applications are submitted via consulates/embassies, 77% of all applications are submitted within the country, in the Police- and Border Guard Board services.</p> <p>5. In order to apply for a residence permit in Estonia, a person must have a legal basis for staying here, it may be a short-term or long-term visa, or a person may stay here on the basis of visa-free period. State fee amounts for visa applications are available here: <a href="https://www.politsei.ee/en/instructions/visa-and-extending-period-of-stay/extending-period-of-stay">https://www.politsei.ee/en/instructions/visa-and-extending-period-of-stay/extending-period-of-stay</a> . A long-term visa can be obtained for a single or multiple temporary stay in Estonia with a term of validity of up to 12 months and up to 365 days period of stay within 12 consecutive months. A short-term visa (type C) is issued for 90 days within the period of 180 days.</p> <p>6. No. Application process for single permit is 2 months.</p> <p>7. Visa application process can be up to 30 days. Processing time is regulated in the national legislation.</p> <p>8. No</p> <p>9. In 2019 the average time for processing the application was 43 days, in 2020 the average time was 45 days.</p> <p>10. No</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>11. Before the residence permit application procedure and after the employer has made a job offer.</p> <p>12. The LMT is carried out by the Estonian Unemployment Insurance Fund (<i>Töötukassa</i>). If the application does not have any deficiencies, the decision is made within 7 working days.</p> <p>13. No</p>
	EMN NCP Finland	Yes	<p>1. N</p> <p>2. NO</p> <p>3. N/A</p> <p>4. In 2019, 72 % of the first residence permit applications based on employment (9 139 applications) were lodged outside of Finland, and 28 % (3 545 applications) lodged in Finland.</p> <p>In 2020, 62 % of the first residence permit applications based on employment (5 466 applications) were lodged outside of Finland and 38 % (3 305 applications) were lodged in Finland.</p> <p>5. NO</p> <p>6. N/A</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. Yes, the deadline is four months after the authority's receipt of a duly completed application with attachments. (Aliens Act, Section 82)</p>


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>NB. In Finland, TCNs do not have to reside in Finland when making the single permit application. To the contrary, if question is of a first residence permit, the applicant should remain abroad during the time of application. (Aliens Act, Section 60) However, an applicant who has entered the country without a residence permit can also be issued with a residence permit in Finland in certain circumstances (Aliens Act, Section 49, para 1 (3)).</p> <p>If question is of a continuation of a residence permit, permanent residence permit or a long-term resident's residence permit, the application is made in Finland. (Aliens Act, Section 60)</p> <p>There are no statistics available regarding the waiting time separating between the applications made on the territory of Finland and those made abroad. Most of the first applications are made abroad while exceptions to this exist (please see response to Q4). Moreover, it is not likely that the place of application (Finland/abroad) affects the waiting time profoundly. The differences in the waiting time are likely to depend on the type of single permit (residence permit for an employed person, residence permit for a self-employed person, residence permit for a start-up entrepreneur, EU Blue Card, for example).</p> <p>Average waiting time for first residence permit based on employment (all types of employment-related residence permits)</p> <ul style="list-style-type: none"> <li>• 2018: 101 days (Median: 43 days)</li> <li>• 2019: 111 days (Median: 65 days)</li> <li>• 2020: 111 days (Median: 70 days)</li> <li>• 2021: 68 days (Median: 39 days)</li> </ul> <p>To highlight the difference in waiting times depending on the type of residence permit, please see the data for January–April 2021:</p> <ul style="list-style-type: none"> <li>• First residence permit for an employed person: 89 days (Median 56 days)</li> <li>• First residence permit for a self-employed person: 219 days (Median 188 days)</li> <li>• First residence permit for start-up entrepreneurs: 32 days</li> <li>• First residence permit for specialists: 19 days (Median 15 days)</li> </ul>
--	--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<ul style="list-style-type: none"> <li>• First EU-Blue card: 20 days (Median 17 days)</li> </ul> <p>10. Y</p> <p>11. N/A</p> <p>12. The LMT is a part of the preliminary decision made by an Employment and Economic Development Office. The preliminary decision is an overall consideration, which includes the LMT as well as a general assessment of the conditions of employment. In January-April 2021, it took on average 30 days to make the preliminary decision (median was 22 days). After the preliminary decision by the Employment and Economic Development Office, the final decision on the residence permit application is made by the Finnish Immigration Service, which determines whether the general requirements for issuing a residence permit are met.</p> <p>13. Yes, but only regarding <b>child home care allowance</b> when calculating the amount of the <b>care supplement</b>. NB: The income of the spouse living in a third country is also considered in these situations if the spouse is considered to be a member of the same family/household as the applicant.</p> <p>Background information: Child home care allowance can be granted when a child under 3 years of age is looked after at home and does not have a place in municipal early childhood education. Child home care allowance consists of a care allowance which is not affected by the family's income and a care supplement which is affected by the family's total income. For more information, please see: <a href="https://www.kela.fi/web/en/child-home-care-allowance">https://www.kela.fi/web/en/child-home-care-allowance</a></p>
	EMN NCP France	Yes	<p>1. Yes, only a few residence permits can be applied directly in France with no request for a long stay visa to enter legally in France, this is the case for EU long –term residence permit.</p> <p>2. NO if they file the residence permit application before the expiry date of the valid residence permit</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>3. n/a</p> <p>4. n/a</p> <p>5. yes                      For TCNs covered by specific bilateral agreement such as Algerian nationals, the long term visa is valid for at least 2 months and a temporary residence permit has to be requested within 2 months of the arrival in France.                      For other TCNs (not covered by specific bilateral agreements) long term visas equivalent to residence permits are valid from 4 to 12 months and are recognized as residence permits for the first year of residence in France once the long term visa is validated within the 3 months of the arrival in France. This long term visa costs 99 euros.</p> <p>6. NO</p> <p>7. The processing times for long-term visas depend on the nationality of the applicant, the grounds for the stay and the local conditions for issuing the visa. Some visas imply specific controls (for example civil registry) or the need to contact different French authorities, which may increase the processing time.</p> <p>8.                      See Q5                      For TCNs covered by specific bilateral agreement such as Algerian nationals, the long term visa is valid for at least 2 months and a temporary residence permit has to be requested within 2 months of the arrival in France.                      For other TCNs (not covered by specific bilateral agreements) long term visas equivalent to residence permits are valid from 4 to 12 months and are recognized as residence permits for the first year of residence in France once the long term visa is validated within the 3 months of the arrival in France.</p> <p>9. YES                      Article R.432-2 of the Code for the entry and residence of foreign nationals and of the right for asylum</p>
--	--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>(CESEDA) provides for an implicit rejection decision in the event of silence on the part of the authorities within 4 months of the lodging of the application for a residence permit, except for certain residence permits where the time limit is 60 days (Talent passport residence card) or 90 days (European Blue card, ICT employee, trainee, seasonal worker, job-search student, student in mobility, au pairs, etc.). Regarding the average processing time for the issuance of residence permits for all grounds of issuance (in mainland France and Overseas territories / departments) in 2020 it was of 124 days for first residence permit applications and 60 days for renewal applications. In 2019 the average processing time was 104 days for first residence permit applications and 55 days for renewal applications. However these data are fragile and should be used as estimate.</p> <p>10. In the case of residence cards requiring an application for a work permit, this is submitted before the application for a residence permit by the employer, who must have checked whether no current candidate on the labour market could respond to the offer of employment. The work permit must be submitted for the application for a residence permit. For residence cards authorising work without prior work authorisation, the competent authority will check in the context of the application for a residence card the conditions for the exercise and remuneration of the employee.</p> <p>11. see Q10</p> <p>12. The employer must advertise the job offer for a sufficiently long period (approximately 3-4 weeks) to ensure that no candidate on the labour market wishes to respond to this offer. He then submits the application for a work permit to the competent authority, which will check whether the job is included in a list of shortage occupations (provided for by a decree or a bilateral agreement) and, if not, ensure that the necessary documents have been provided (submission of the job position and certificate of closure). In particular, the platform competent for the work permit application shall verify the conditions of exercise and remuneration of the employee and the employer's compliance with the labour law rules.</p> <p>13. NO the amount of the family allowances only applies to people legally residing in France. The principle of equal treatment is respected as France never pays family allowances outside France regardless of nationality or residence permit.</p>
--	--	--	--

Disclaimer:


The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	<p>EMN NCP Germany</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. No. Nationals of certain countries can enter without a visa and apply for the required residence permit in Germany.</li> <li>2. No, if the change in purpose of residence complies with the Residence Act, for instance after successful completion of a stay for the purposes of study to a stay for the purpose of gainful employment. Yes, see the response given to question 3 below.</li> <li>3. In principle, third-country nationals have to file the visa application from abroad if they did not enter the country with the visa required for the actual purpose of residence and if they have no legal entitlement to the residence permit being issued.</li> <li>4. N/a. (The question phrased “which allow both applications” obviously implies that the foreigner can choose where to file the application, an option that basically does not exist, with the exception of the nationals mentioned in Section 41 subsection 1 of the Residence Ordinance (Aufenthaltsverordnung).</li> <li>5. Yes, a visa is generally required unless the third-country national is a national of one of the countries whose citizens are permitted to enter visa-free and apply for the residence title in Germany. The national visa is usually valid for three months and the fee is €75.</li> <li>6. No.</li> <li>7. Due to the numerous influencing factors visa offices globally face in their work, it is not possible to generalise the (average) length of time it takes to complete visa procedures. German administrative law generally stipulates that a decision on applications must be taken within a reasonable period of time and that applicants are not permitted to file a complaint on the authorities’ failure to act until three months have elapsed since the application was filed.</li> <li>8. No. Third-country nationals must file an application for the issuance of a subsequent residence permit with the competent foreigners authority before their visa expires.</li> <li>9. Yes (see the response given to Question 7).</li> </ol>
---	----------------------------	------------	---



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>It is not possible to state the average length of time it takes to process residence permits, given that there are approximately 600 foreigners authorities under the jurisdiction of the sixteen Federal Länder.</p> <p>10. No.</p> <p>11. As a prerequisite for issuing a visa, the Federal Employment Agency checks her consent during the visa process. The basis for the examination is the job offer or the employment contract.</p> <p>12. The decision is made by the competent office of the Federal Employment Agency. Approval is granted within two weeks or, in accelerated skilled labour immigration procedures that entered into force in on 1 March 2020, within one week, provided all the necessary information and details are available.</p> <p>13. Yes. Child benefit is paid regardless of the child's place of residence.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. No</p> <p>2. No</p> <p>3. -</p> <p>4. No statistical data available.</p> <p>5. The third-country national (hereinafter referred to as TCN) may request the issuance of an entry visa that entitles the TCN to collect the TCN's residence permit in the TCN's application for a residence permit, before entering, without submitting a separate application for such an entry visa. The decision maker on the given request for issuing an entry visa that entitles the TCN to collect the TCN's residence permit is the regional directorate, which makes the decision on the given TCN's application for a residence permit. By approving the TCN's application for a residence permit, the competent regional authority also grants the issuance of an entry visa that entitles the TCN to collect the TCN's residence permit at the same time.</p>



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>6. See answer to question 5. By approving the TCN's application for a residence permit, the competent regional authority also grants the issuance of an entry visa that entitles the TCN to collect the TCN's residence permit at the same time.</p> <p>7. -</p> <p>8. No. The entry visa that entitles the TCN to collect the TCN's residence permit entitles its TCN holder to a single entry into the territory of Hungary and to stay for a period that does not exceed thirty days, and during which period the TCN must appear before the competent regional directorate as per the address indicated as the TCN's place of accommodation, for the purpose of collecting the TCN's residence permit.</p> <p>9. Yes. If the residence permit is granted and extended as part of a single application procedure, as a substantive general rule, the determining authority makes a decision maximum within 70 days after the application was submitted (objective deadline). We do not have statistical data on the average procedure time.</p> <p>10. Yes</p> <p>11. -</p> <p>12. In order to establish if the Government supports the employment of the TCN in Hungary, it assigns the competent government office as per the place of employment in the first instance procedure, and the minister responsible for employment policy in the second instance procedure as the competent authority. The administrative deadline of the procedure time is maximum 15 days for the competent authority. In justified cases, the head of the competent authority may extend the administrative deadline once by 15 days.</p> <p>13. A TCN has the financial means necessary for his stay exceeding 90 days if the TCN or the TCN's family member can bear the costs of the TCN's living, housing, leaving Hungary, and medical care from legitimately acquired assets.</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	EMN NCP Ireland	Yes	1. Ireland does not participate in the Single Permit Directive. Questions 2 - 13 are not applicable. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13.
	EMN NCP Italy	Yes	1. NO

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>2. NO</p> <p>3. In Italy it is possible to convert the residence permit; in this case the application is submitted in Italy by a TCN already present in the national territory and in possession of a valid residence permit. In particular, for the year 2020 it is possible, according to art. 4 of the Presidential Decree of 7th July 2020: the conversion into residence permits for subordinate work of: a) no. 4.060 residence permits for seasonal work; b) no. 1.500 residence permits for study, internships and/or vocational training; c) no. 200 EU residence permits for long-term residents issued to third-country nationals by another EU Member State. It is also possible to convert into residence permits for self-employment: a) 370 residence permits for study, internship and/or vocational training; b) 20 EU long-term residence permits issued to third-country nationals from another EU Member State.</p> <p>4.</p> <p>5. Entry into the territory of the State is permitted to foreigners in possession of an entry visa issued by the Italian diplomatic or consular representations in the applicant's State of origin or of a permanent residence permit. Entry into Italy may be allowed with short-stay visas, valid for up to 90 days, and long-stay visas, which require the holder to be granted a residence permit in Italy with the same motivation as that mentioned in the visa. Depending on the type of visa, the duration of the stay and the presence of any facilitation agreements, the entry visa may be free of charge or may require the payment of a fee ranging from €50 to €115. For a long-term stay, the duration of the visa varies according to the type: from 90 to 365 days. The period of validity includes an 'exemption' of 15 calendar days.</p> <p>6. NO</p> <p>7. The deadlines for issuing long-stay visas are set by national legislation. For national visas, the time limits for processing applications are set by national legislation, which provides for a general term of 90 days from the date of application (Art. 5, par. 8 of Presidential Decree no. 394/1999), with different terms for certain types of visas (30 days for family reasons and subordinate employment – Art. 6, par. 5 and Art. 31, par. 8 of Presidential Decree no. 394/1999 – and 120 for self-employment – Art. 26, par. 7 of Legislative Decree no.</p>
--	--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>286/1998). If it is necessary to suspend the terms for processing applications in order to carry out checks and inspections on the documentation submitted (Law 241/90 and Ministerial Decree of 3 March 1995, no. 171, article 6), written notice is given to the applicant, who must sign it for acknowledgement of receipt. The deadline for concluding the procedure may be suspended for a single occasion and for a period of time not exceeding 30 days, for the acquisition of information or certifications relating to facts, states or qualities not attested to in documents already in the possession of the Office or not directly obtainable from other public administrations.</p> <p>8. NO</p> <p>9.</p> <p>10. NO</p> <p>11. Italy does not provide for a real labour market test, the only verification required in the procedure for issuing the work permit is, as provided for in Art. 22 of Legislative Decree no. 268/1999, at the competent employment centre, the unavailability of a worker present on the national territory, properly documented.</p> <p>12. The whole procedure for issuing the nulla osta lasts for a maximum of 60 days; no specific time limit is indicated regarding the verification of the unavailability of a worker already on the national territory.</p> <p>13. The Italian legislation (art. 6-bis of the Law Decree no. 69 of 13 March 1988 as converted, with amendments, by the Law no. 153 of 13 May 1988) in defining the concept of family nucleus does not include the spouse and children of a foreign citizen who do not have their residence in the territory of the Republic. This provision has recently been the subject of two rulings by the Court of Justice of the European Union (judgments issued on 25 November 2020 in cases C-302/2019 and C-303/2019), which have ruled that this provision is not compliant with EU law, in particular with Article 12(1)(e) of Directive 2011/98/EU. That provision in fact precludes legislation of a Member State under which, for the purposes of determining entitlement to a social security benefit, no account is taken of family members of the holder of a single permit who reside in a third country.</p>
--	--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	<p>EMN NCP Latvia</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. No.</li> <li>2. No.</li> <li>3. N/a.</li> <li>4. During a year 2020 applications lodged in the territory of Latvia – 45195 (95,5%), and applications outside Latvia -2138 ( 4,5%). Total – 47333.</li> <li>5. If an applicant have a biometrical passport or comes from country which has non visa entry regime, visa is not required. For them who need visa the validity of entry visa is 3 month and it costs 60 euros.</li> <li>6. Yes.</li> <li>7. N/a</li> <li>8. It is not an automatic process. There are different documents – visa is for an entry for short term stay in Latvia, but residence permit is issued for a longer period. Applicants have to submit different sets of documents to receive visa or resident permit.</li> <li>9. The documents which are submitted for residence permit are being tested one month. The average waiting time could be one month until three month.</li> <li>10. Yes.</li> <li>11. N/a</li> <li>12. There is no decision, it is automatic process. Labour market test in Latvia: register the vacancy with the State Employment Agency, which any Latvian national or nationals of other European Union Member States, as well as third-country nationals permanently residing in Latvia are eligible to apply for.</li> </ol>
---	---------------------------	------------	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>The vacancy shall be published and if no other candidates (EU citizens or permanent residents) are not applying, after 10 working days an employer is entitled to start the procedure for invitation of an employee – third-country citizen.</p> <p>13. No.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. No</p> <p>2. No</p> <p>3. N/A</p> <p>4. Not available</p> <p>5. The precondition for lodging an application in the Republic of Lithuania is that foreigner's presence is lawful. All third-country nationals require a visa unless they are exempt from this requirement. There are two types of visas – Schengen visa and national visa, and either of them will ensure that the foreigner's presence is lawful. The fee for and the validity of the Schengen visa is in accordance with the Visa Code. The fee for the national visa is EUR 120. National visas are valid for up to one year. National visas are issued on general grounds and entering the country for the purpose of applying for a temporary residence permit is not among them. However, if a person's application for a temporary residence permit has already been accepted, this person may be issued a national visa.</p> <p>6. No</p> <p>7. The issuing of Schengen visas is subject to the procedures and conditions specified in the EU Visa Code. The submission and review of applications and the required documents for national visas are subject, <i>mutatis mutandis</i>, to the provisions of Article 6, as well as Sections II and III.</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>8. No</p> <p>9. Yes. In 2020, applications for the issue of the single residence permit were examined within 2-3 months on average.</p> <p>10. Yes</p> <p>11. N/A</p> <p>12. The Employment Service is responsible for conducting the LMT. The documents submitted to the Employment Service must be reviewed within 7 working days.</p> <p>13. No</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Yes. In accordance with article 39 (1) of the Immigration Law a third-country national who wants to stay in Luxembourg states that the application for an authorisation of stay, with the exception of permits for humanitarian grounds, must be submitted by the third-country national to the Minister and must be favorably advised prior to entry into the territory. The application must, on pain of inadmissibility, be submitted before the third-country national enters the territory.</p> <p>2. No. Article 39 (3) of the Immigration Law establishes the general rule on changes of status by making the switch dependent a) on the fact that the application for the change of status must be made before the expiry of the residence permit and b) on fulfilling the conditions of the category of stay the third-country national wishes to obtain.</p> <p>The change of migration status is not possible for seasonal workers, pupils, trainees, volunteers, au pairs, beneficiaries of an authorisation of stay for medical treatment. In these cases, the applicant must file the application from their country of origin.</p>



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>3. N/A. See answer to question 2.</p> <p>4. N/A. The general rule is that the application for the change of status is made on the territory of Luxembourg (See answer to question 2).</p> <p>5. No. The third-country national who wants to reside in Luxembourg, has to apply for one of the authorisations of stay foreseen in article 38 of the Immigration Law. If he is not subject to visa requirements, the third-country national may enter Luxembourg with the authorisation to stay and a valid passport. Third-country nationals subject to a visa obligation must, before their journey and from their country of origin, submit a type D visa application and present their temporary authorisation to stay to the Luxembourg diplomatic or consular representation in their country of origin, or, failing that, to the embassy or consulate of the country in the Schengen area which represents Luxembourg for the issuance of long stay visas (only the Belgian embassy or consulate). What is its validity and cost? The visa, valid for a maximum period of 3 months, is affixed in the passport in the form of a seal. The cost of this visa is 50 Euro.</p> <p>6. No.</p> <p>7. There is not a precise deadline for issuing a D-visa. However, the D-visa has to be issued before 90 days after the authorisation of stay has been granted. Within 90 days following receipt of the temporary authorisation to stay, the applicant must submit, in person, a long stay visa application (D) in 2 copies to the Luxembourg diplomatic or consular mission in his country of residence or, failing that, to the embassy or consulate of the country in the Schengen area which represents Luxembourg for the issuance of long-stay visas (only the Belgian embassy or consulate).</p> <p>The application must be accompanied by the following documents:</p> <ul style="list-style-type: none"><li>• 2 recent and identical identity photos;</li></ul>
--	--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<ul style="list-style-type: none"> <li>• a valid passport or a travel document accepted in the Schengen area, which is valid for at least 3 months after the expiry date of the requested visa;</li> <li>• the temporary authorisation to stay.</li> </ul> <p>Is the deadline for the issuing of long-stay visas set by your national legislation?</p> <p>No.</p> <p>8. No. Once, the third-country national enters the country s/he has to apply for the residence permit before the Directorate of Immigration, within 3 months of entry into Luxembourg. The following documents must be sent together with the residence permit application form:</p> <ul style="list-style-type: none"> <li>• a copy of their valid passport, in its entirety;</li> <li>• a copy of the temporary authorisation to stay;</li> <li>• a copy of the declaration of arrival established by the communal authority;</li> <li>• proof of payment of a fee of EUR 80</li> </ul> <p>9. No. When the application is approved, the applicant will receive a letter inviting them to make an appointment with the Immigration Directorate of the Ministry of Foreign and European Affairs in order to have their photograph and fingerprints taken, which will be incorporated into the residence permit. The applicant may also bring a recent photograph compliant with OACI/ICAO standards ('biometric passport standards').</p> <p>A few days after the biometric data have been collected, the applicant can pick up the residence permit in person at the Immigration Directorate, by appointment.</p> <p>The residence permit takes the form of a chip card containing the biometric data.</p> <p>What was the average waiting time for the issue of the residence permit once the application was made after arrival on the territory in 2019 and 2020?</p>
--	--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>No information available.</p> <p>10. No.</p> <p>11. The LMT is conducted preliminary before the application of stay is made. Before recruiting a salaried worker, employers must make a declaration of vacant position to the ADEM (National Employment Agency). The declaration will allow the employment agency to check whether there is a suitable candidate available on the local or EU job market. If the job offer cannot be filled with a person registered with the ADEM within a 3 week deadline, the employer is allowed to conclude an employment contract with a person of his choice, under certain conditions, including a non-EU national. To this end, the employer must submit an application on plain paper to ADEM's director and request a certificate granting him the right to hire a third country national. The employer must sign a dated employment contract with the future employee. It may be stated in the contract that the start date is "subject to the employee obtaining an authorisation to stay for salaried workers/work permit". The employer must hand over the original certificate to the third-country national, who will attach it to his application for the authorisation to stay.</p> <p>12. See answer to question 11.</p> <p>13. No.</p>
	<p>EMN NCP Malta</p>	<p>Yes</p>	<p>1. No</p> <p>2. No</p> <p>3. N/A</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>4. 70% in Malta 30% abroad</p> <p>5. No</p> <p>6. No</p> <p>7. When an application for a single permit is submitted from abroad and the applicant is a non visa national he can proceed to Malta on the basis of such exemption. On the other hand, the applicant who needs to apply for a long stay visa in order to proceed to Malta is required to do so within 180 days.</p> <p>8. No</p> <p>9. Yes. 8-10 weeks</p> <p>10. Yes</p> <p>11. N/A</p> <p>12. The national employment Agency</p> <p>13. No</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. No. The Netherlands allows applications for a single permit from the Netherlands (only in case an entry visa is not required or in case of question 2) and from abroad.</p> <p>2. No. If a third country national is residing in the Netherlands and is changing their migration status, he or</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>she can file the application in the Netherlands. The third-country national does not have to file the application from abroad or from the country of origin.</p> <p>3. Not applicable.</p> <p>4. Applications to change the migration status to a Single Permit may be submitted within the Netherlands or outside of the Netherlands. In practice, they are almost exclusively submitted within the Netherlands.[1]</p> <p>[1] Information provided by the Immigration and Naturalisation Service, 13 June 2021.</p> <p>5. To preface, the application for a single permit is most commonly submitted by the employer (sponsor) rather than the third-country national. In the following, we describe the procedure for cases where the third-country national submits the application.</p> <p>The Netherlands does not require applying for an entry visa before the third-country national can lodge a single permit application in the territory. For third-country nationals who are subject to an entry visa requirement,[1] the application for an entry visa is submitted together with the application for a single permit, and the two applications are assessed simultaneously. This is called the TEV procedure. When the outcome of the procedure is positive, an entry visa (MVV) is issued. After the third-country national arrives in the Netherlands and reports to an office of the Immigration and Naturalisation Service, the single permit (GVVA) is issued ex officio.</p> <p>When a positive decision is made on the TEV procedure, the third-country national should collect the MVV within three months. After collecting the MVV, the third-country national is given 90 days to enter the Netherlands. The single permit is valid in principle for one year and can be renewed.[2]</p> <p>The third-country national has to pay a fee when applying for the single permit, but does not have to pay a separate fee for the MVV. The fee for single permit applications varies between 64 and 320 euros.[3]</p> <p>[1] IND, 'Mvv-vrijstellingscategorieën,' <a href="https://ind.nl/Paginas/mvv-vrijstellingscategorie%C3%ABn.aspx">https://ind.nl/Paginas/mvv-vrijstellingscategorie%C3%ABn.aspx</a>, last accessed on 7 June 2021.</p> <p>[2] Aliens Act Implementation Guidelines (Vc) 2000, Paragraph B3.3.</p> <p>[3] IND, 'Leges; Kosten van een aanvraag,' <a href="https://ind.nl/Paginas/Kosten.aspx">https://ind.nl/Paginas/Kosten.aspx</a>, last accessed on 7 June 2021.</p>
--	--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>6. Yes, the visa-issuance process to enter the Netherlands is part of the 4-months maximum duration of the single permit application, as both applications are processed simultaneously. The Immigration and Naturalisation Service has to decide on the single permit application within 90 days (barring special circumstances), which is thus also the maximum duration for deciding on whether an entry visa (MVV) should be issued.[1]</p> <p>[1] Memorie van Toelichting, Parliamentary Papers II, 2013-2014, 33749 nr. 3; Art. 25, para. 1, Aliens Act (Vw) 2000.</p> <p>7. Not applicable.</p> <p>8. After the third-country national arrives in the Netherlands with the MVV and reports to an office of the Immigration and Naturalisation Service, the single permit (GVVA) is issued ex officio.</p> <p>9. Yes, there is a legal deadline of 90 days for decision-making on the single permit application.[1] Furthermore, there is a target period of 7 weeks if the application with supporting documents has been submitted completely. In general, most applications are submitted on the territory of the Netherlands by the employer (the sponsor). If the third-country national submits the application, he/she usually does so outside of the Netherlands. It is not possible to provide an average waiting time for the issue of single residence permits for cases where a third-country national made an application after arrival on the territory of the Netherlands.</p> <p>[1] Memorie van Toelichting, Parliamentary Papers II, 2013-2014, 33749 nr. 3; Art. 25, para. 1, Aliens Act (Vw) 2000.</p> <p>10. Yes.</p> <p>11. Not applicable.</p> <p>12. The Ministry of Social Security and Employment has delegated the Labour Market Test to the Implementing body for employee insurance schemes (Uitvoeringsinstituut Werknemersverzekeringen, UWV).</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>The deadline to issue an advice on access to the labour market is 5 weeks from the moment the request is received by the UWV.[1]</p> <p>[1] Article 5, paragraph 3, Aliens Employment Act.</p> <p>13. Generally not, unless there is a bilateral agreement. Family members residing outside the EU are only provided with family benefits in the case of a bilateral agreement between the Netherlands and the country of residency. The amount of family benefits is adjusted based on the purchasing power in the country of residence. The group of parents who have a (possible) right to child benefit is being decreased. The current policy is aimed at limiting the number of countries that allow the export of benefits.[1]</p> <p>[1] Information provided by the Ministry of Social Affairs and Employment on 17 June 2021.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. No</p> <p>2. No, unless they cannot apply for temporary residence and work permit in specified situations by provisions of the Act on Foreigners. In such a situation, the foreigner should first change the status by changing his/her situation or by applying for another kind of visa abroad.</p> <p>3. The initiation of the procedure for granting a temporary residence and work permit to a foreigner is refused if, on the day of applying for granting this permit the foreigner:</p> <ul style="list-style-type: none"> <li>1) is an employee posted to work on the territory of the Republic of Poland for a specified period by an employer established outside the territory of the Republic of Poland - for the entire period of posting or</li> <li>2) stays on the territory of the Republic of Poland based on obligations set out in international agreements to facilitate the entry and temporary stay of certain categories of natural persons involved in trade or investment, or</li> <li>3) conducts economic activity in the territory of the Republic of Poland, or</li> <li>4) stays on the territory of the Republic of Poland to perform seasonal work, or</li> <li>5) stays on the territory of the Republic of Poland based on a visa issued for tourism or visiting</li> </ul>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>family or friends, or</p> <p>6) stays on the territory of the Republic of Poland for tourism or visiting family or friends, based on a visa issued by another country of the Schengen area.</p> <p>4. N/a</p> <p>5. Yes. As a general rule, in the case of a planned stay in the territory of Poland for more than 90 days, foreigners staying in a third country should, in principle, enter this territory based on a national long-term (D) visa issued by the Polish consul. A national visa is issued for up to 1-year validity. Its cost is 80 Eur as Schengen visa.</p> <p>6. No</p> <p>7. In Accordance with Act on Foreigners:</p> <p>1. A national visa is issued or refused within 15 days from the date of submitting the application in this matter, unless the application has been found inadmissible.</p> <p>2. In justified cases, in particular, when the minister competent for foreign affairs or the consul asks the Head of the Office for Foreigners to provide information on whether there are circumstances justifying the refusal to issue a national visa to the foreigner, referred to in art. 65 sec. 1 point 5 or 8 (i.e. whether it is required for reasons of national defense or security or the protection of public safety and order or the interests of the Republic of Poland, or whether the foreigner did not justify the purpose or conditions of the planned stay), the time limit referred to in sec. 1 may be extended up to 60 days.</p> <p>8. No. The foreigner has to apply for temporary residence and work permit after arrival to Poland if he/she intends to stay and work after the expiry of the visa. The application for temporary residence and work permit should be submitted not later than on the last day of the foreigner's legal stay in the territory of the Republic of Poland.</p> <p>9. The average waiting time was in 2019 – 210 days, in 2020 – 247 days The deadline for granting the temporary residence and work permit is established by general rules of the Act of June 14, 1960 - Code of Administrative Procedure (Journal of Laws of 2021, item 735).</p>
--	--	--	---



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>Under Art. 35 of the Code of Administrative Procedure :</p> <ul style="list-style-type: none"> <li>• Public administration bodies are obliged to deal with matters without undue delay.</li> <li>• 2. Cases which may be examined based on the evidence presented by the party together with a request to initiate proceedings or based on facts and evidence generally known or known ex officio to the authority before which the proceedings are pending, or possible to be determined based on data managed by this authority – should be settled immediately.</li> <li>• 3. Settlement of a case requiring explanatory proceedings should take place no later than within a month, and a particularly complicated case - no later than within two months from the date of initiation of the proceedings, and in appeal proceedings - within one month from the date of receipt of the appeal.</li> <li>• 3a. (...).</li> <li>• 4. (...).</li> <li>• 5. The time limits set out in the preceding provisions do not include the time limits provided for by law for the performance of certain activities, periods of suspension of proceedings, the duration of mediation, and periods of delays caused by the fault of the party or for reasons beyond the control of the authority.</li> </ul> <p>Under Art. 36 of the Code of Administrative Procedure :</p> <ul style="list-style-type: none"> <li>• 1.The public administration body is obliged to notify the parties of each failure to settle the matter on time, stating the reasons for the delay, indicating a new date for settling the matter, and informing about the right to bring a reminder.</li> <li>• 2. The same obligation rests on the public administration body also in the event of delay in settling the case for reasons beyond the authority's control.</li> </ul> <p>The time limits referred to in article 35 § 3 of the Code of Administrative Procedure start to run as a result of the initiation of the administrative procedure for granting the permit, i.e. on the date of receipt of the application by the authority, even if the application, in this case, is incomplete and it is then necessary to call the party for supplementing the application with the documents needed to issue a decision resolving the case.</p> <p>10. No</p> <p>11. LMT is conducted upon request of the employer before submission of the application for residence and</p>
--	--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>work permit by the foreigner.</p> <p>12. n/a</p> <p>13. By the Act on family benefits are due:</p> <p>1) Polish citizens;</p> <p>2) foreigners:</p> <p>a) to which the provisions on the coordination of social security systems apply,</p> <p>b) if it results from bilateral agreements on social security binding for the Republic of Poland,</p> <p>c) residing in the territory of the Republic of Poland based on a permanent residence permit, a long-term resident's European Union residence permit, a temporary residence permit granted in connection with the circumstances referred to in art. 127 or article. 186 paragraph 1 point 3 of the Act of 12 December 2013 on foreigners, or in connection with obtaining refugee status or subsidiary protection in the Republic of Poland, if they live with family members in the territory of the Republic of Poland,</p> <p>d) holders of a residence card with the annotation "access to the labor market", except for third-country nationals who have obtained a permit to work in the territory of a Member State for a period not exceeding 6 months, third-country nationals admitted for study or seasonal work and third-country nationals who are entitled to work based on a visa,</p> <p>e) residing on the territory of the Republic of Poland:</p> <ul style="list-style-type: none"> <li>- based on a temporary residence permit referred to in art. 139a paragraph. 1 or Art. 139o paragraph. 1 of the Act of 12 December 2013 on foreigners, or</li> <li>- in connection with the use of short-term mobility of a managerial staff member, specialist, or employee undergoing an internship as part of an intra-corporate transfer under the conditions specified in art. 139n paragraph. 1 of the Act of 12 December 2013 on foreigners</li> <li>- if they reside in the territory of the Republic of Poland with family members, except for foreigners who have been allowed to stay and work for a period not exceeding 9 months unless the provisions on the coordination of social security systems or bilateral international agreements on social security provide otherwise,</li> </ul> <p>f) staying on the territory of the Republic of Poland:</p> <ul style="list-style-type: none"> <li>- based on a temporary residence permit referred to in art. 151 or article. 151b of the Act of 12 December 2013 on foreigners,</li> </ul>
--	--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<ul style="list-style-type: none"> <li>- based on a national visa for research or development work,</li> <li>- in connection with the use of short-term mobility of the researcher under the conditions specified in Art. 156b paragraph. 1 of the Act of 12 December 2013 on foreigners</li> <li>- except for foreigners who have been allowed to stay in the territory of the Republic of Poland for a period not exceeding 6 months, unless the provisions on the coordination of social security systems or bilateral international agreements on social security provide otherwise.</li> </ul> <p>Family benefits are due to the persons if they reside in the territory of the Republic of Poland for the benefit period in which they receive family benefits unless the provisions on the coordination of social security systems or bilateral international agreements on social security provide otherwise.</p>
	EMN NCP Portugal	Yes	<ol style="list-style-type: none"> <li>1. NO</li> <li>2. NO</li> <li>3. NA</li> <li>4. NA</li> <li>5. Yes. TCNs need a Residence Visa to exercise a subordinate professional activity (over 1 year). Its validity is 4 months from the date of issue as the visa is only an authorization to enter Portuguese territory. All visa to entry the Portuguese territory cost 80€. Urgency fees may add up to a maximum of 120 € After arriving in the country, it is necessary to carry out the procedure to establish residence, that is, TCNs must apply for a residence permit.</li> <li>6. NO The entry visa must be applied for in the origin country, at the Portuguese Consulate; then, when in Portugal, within its 4 months visa authorization, the TCN will apply to SEF for the single permit.</li> </ol>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>7. NA. All visas have a 15 calendar day deadline to be issued; particular cases that need to be investigated deeper (duly justified) may take up to 45 days.</p> <p>8. No</p> <p>9. YES. The deadline for decision on applications for granting a residence permit is 90 days. Average waiting time: 2020: 38 days 2019: 42 days</p> <p>10. NO. Although previewed in Portuguese Law, this mechanism is not put in place once the setting of the global indicative quota for employment opportunities has been suspended by the state budget law</p> <p>11. NA</p> <p>12. NA</p> <p>13. YES</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. No. Following Article 31 par. 1 of the Act on Residence of Foreigners an application for the granting of temporary residence permit shall be filed by a third country national in person abroad at a consulate accredited for the state which has issued a travel document for him/her or at a consulate accredited for the state in which he/she has permanent residence; unless provided otherwise herein; if there is no such an embassy or in exceptional circumstances the Ministry of Foreign Affairs shall determine, following to the agreement with the Ministry of Interior, another consulate where the third country national files the application for the granting of temporary residence permit.</p>


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>2. No, with the exception of two exemptions set by the law (see question 3).</p> <p>3. Following Article 31 par. 6 of the Act on Residence of Foreigners a third country national (TCN) who has been granted temporary residence for the purpose of seasonal employment or for the purpose of studies when attending language or professional training for the study at university which is organised by a university in the Slovak Republic, this TCN cannot file an application for the change of purpose/status at a police department in the Slovak Republic.</p> <p>4. These data are not available.</p> <p>5. If a TCN comes from a country with which the Slovak Republic has a visa free regime, this TCN can enter the Slovak Republic within this visa free regime and apply for the single permit. If a TCN comes from a country where a visa is required to enter the Slovak Republic, the TCN can apply for a national visa and consequently after entering the Slovak Republic based on this visa and within its validity, he/she can apply for a single permit. National visa for this purpose can be granted for 90 days. The fee is 60 euro.</p> <p>6. The Embassy has 30 days from filing the complete application for the national visa to issue the decision on granting the national visa. The police department decides on granting the single permit within 90 days period from the reception of the complete application.</p> <p>7. See the answer to question 6. Yes, the deadlines are set in the Act on Residence of Foreigners.</p> <p>8. No.</p> <p>9. Yes, the deadline is established by the Act on Residence of Foreigners and it is 90 days from the reception of the complete application by the relevant police department. The data on average waiting time are not available.</p> <p>10. Yes. The Office of Labour, Social Affairs and Family shall issue a confirmation on the possibility of filling a vacancy, which includes approval of its filling, if the vacancy cannot be filled by a jobseeker kept in the register of job seekers. When issuing a confirmation of the possibility of filling a vacancy, the Office of</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>Labour, Social Affairs and Family shall take into account the situation in the labour market and the standpoint of the embassy.</p> <p>The Office of Labour, Social Affairs and Family shall issue a confirmation of the possibility of filling a vacancy, which includes approval or disapproval of its filling, at the request of a police department, within five working days of receipt of the application.</p> <p>11. NA</p> <p>12. The LMT is decided upon by the Office of Labour, Social Affairs and Family relevant according to the future place of work. Following Article 33 par. 3 of the Act on Residence of Foreigners a police department when granting a residence permit for the purpose of work shall within 7 days from receiving the application together with all relevant documentation request the competent Office of Labour, Social Affairs and Family to provide a written confirmation of the possibility to fill a vacancy. Consequently, following Article 21b of the Act on Employment Services, Office of Labour, Social Affairs and Family issues the written confirmation of the possibility to fill a vacancy which comprises consent or refusal to fill the vacancy within 5 days from the reception of the request from the police department.</p> <p>13. This depends on the type of the family benefit. In case of benefits which are coordinated a coordinated regulation applies to the EU citizens. In case of not coordinated benefits and in case of TCN is the right to family benefits assessed based on national legislation.</p> <p>In case of the child care allowance the residence of the child in the Slovak Republic is required (the residence of the child is examined). In case of other benefits, the residence of the EU citizen or TCN in question is necessary in the Slovak Republic (e.g. parental allowance, tax bonus, etc.).</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. According to paragraph 1 of Article 37a of Foreigners act: “The foreigner must apply for a first single permit at a diplomatic mission or consular post of the Republic of Slovenia abroad, except as provided in paragraph six of the Article 37a, in accordance with which an application may also be lodged with the competent authority in the Republic of Slovenia.”</p> <p>Exceptions, that can lodge an application for single permit in the Republic of Slovenia are listed in paragraph</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>6 of Article 37a of Foreigners Act: “A foreigner who legally resides in the Republic of Slovenia on the basis of a valid identity card, valid passport, on the basis of a valid passport and residence permit issued by another EU Member State, or on the basis of a visa C issued by the competent authority of the Republic of Slovenia or another state party to the Convention implementing the Schengen Agreement of 14 June 1985, and wishes to reside in the Republic of Slovenia for the purpose of employment or work, may apply for a first single permit with the competent authority in the Republic of Slovenia, provided that the foreigner is:</p> <ul style="list-style-type: none"> <li>-a sports trainer, a professional sportsperson or a private sports worker who is listed in the register of professional sportspersons or the register of private sports workers and has concluded a training contract, an employment contract or a work contract with a club or a sports organisation established in the Republic of Slovenia;</li> <li>- a person who will perform a clerical profession or religious activity in a registered religious community or a person who will organise or lead charitable and humanitarian activities within an established humanitarian organisation or registered religious community in the Republic of Slovenia, and submits a certificate issued by the registered religious community on performing activities in this community or a certificate issued by the established humanitarian organisation on organising or leading charitable and humanitarian activities in this organisation;</li> <li>- a foreign media reporter or a foreign correspondent who is already accredited in the Republic of Slovenia;</li> <li>- a person who on the basis of the opinion of the responsible ministry demonstrates an economic interest in the Republic of Slovenia;</li> <li>- a person who on the basis of the opinion of the responsible ministry demonstrates an interest of the Republic of Slovenia in the area of education, science and culture. “</li> </ul> <p>2. A foreigner holding temporary residence permit in the Republic of Slovenia may lodge an application with the competent authority on the territory of Republic of Slovenia for a subsequent residence permit for a different purpose. For example: TCN student wants to apply for a single permit, this can be done in the territory of Republic of Slovenia. He/she lodges application for single permit as subsequent residence permit.</p> <p>3. All TCNs that are legally residing in Republic of Slovenia and have temporary residence permit can lodge application in Slovenia.</p>
--	--	--	--

Disclaimer:


The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>4. Data obtained from the records of residence permits show that there were total 26.143 first single permit applications lodged in 2019. There were 1.124 applications lodged abroad (diplomatic representations or consular posts), while 25.019 applications were lodged in the territory of the Republic of Slovenia (Administrative Units). In 2020 there were total 15.867 first single permit applications lodged. 203 applications were lodged abroad (diplomatic representations or consular posts), while 15.664 applications were lodged in the territory of the Republic of Slovenia (Administrative Units).</p> <p>5. No.</p> <p>6. Not applicable.</p> <p>7. Not applicable.</p> <p>8. Not applicable.</p> <p>9. The competent authority must decide on applications for a residence permit (also single permit) as soon as possible and not later than within 30 days of receiving a complete application. Where in order to establish the existence of reasons for refusing a permit or certificate a special fact-finding procedure is necessary, the competent authority must decide on an application not later than within 60 days. On average it took 31.86 days to issue single residence permit in 2019, while in 2020 it took on average 43.87 days.</p> <p>10. Yes.</p> <p>11. /</p> <p>12. The Employment service office is responsible to carry out LMT and adopt the decision within five business days, upon the request of the Slovenian employer.</p> <p>13. No.</p>
--	--	--	--



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	<p>EMN NCP Sweden</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Yes, but there are certain exceptions from this main rule and most applications are made electronically.</li> <li>2. Normally yes, but there are exceptions.</li> <li>3. The main rule is that the person must apply for and obtain a permit before entering Sweden. Under certain circumstances, the person can apply for and obtain a permit while in the country. The person can apply for a work permit while in Sweden if he/she:             <ul style="list-style-type: none"> <li>- wants to extend an already existing permit, or</li> <li>- needs a new permit because he/she is switching employer or occupation, or</li> <li>- has worked while the person was an asylum seeker, has had the application denied, and has been offered continued employment, or</li> <li>- has a residence permit to study at a university or university college, or</li> <li>- has a residence permit in order to seek employment after finishing the studies, or</li> <li>- has entered Sweden (for example, with a visa) to meet an employer and there is a shortage of workers in the applicant's occupation.</li> </ul> <p>If the person has a residence permit because of family ties to a partner in Sweden and the relationship has ended, the person can in some cases apply for a work permit without leaving Sweden. In order to do so he/she must have a job or a job offer and exceptional grounds for applying from within Sweden.</p> </li> <li>4. Not applicable</li> <li>5. No, normally residence permits are applied for and issued while the applicant is still abroad. This means that there is no need for a visa as a preliminary document for entry to, or stay in Sweden. Only in exceptional cases, a national (type-D) visa is issued first, which is then transformed into a residence permit after arrival. This might be the case if an applicant is unable to reach a Swedish consulate but would have to provide biometric identifiers to be issued a residence permit card. If a type-D visa is issued first, the individual can provide their biometrics, and be issued a residence permit, after arrival in Sweden.</li> <li>6. Not applicable since residence permits are normally applied for and granted while the individual is still abroad.</li> </ol>
---	---------------------------	------------	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>7. No, Sweden has no deadline in the national legislation.</p> <p>8. Not applicable because this is normally not necessary.</p> <p>9. According the Swedish Aliens Ordinance, there are deadlines only for certain types of permits, such as the EU Blue Card or the ICT-permit. There are no statistical data on average waiting times in case an application is made from within Sweden because the main rule is that applications are made, and the permit is issued, while the person is still abroad.</p> <p>10. Employers have to publicly advertise open positions for at least ten days before they can recruit third-country nationals from abroad. There is no further priority examination or labour market test.</p> <p>11. Not applicable.</p> <p>12. Not applicable.</p> <p>13. No. Children living in other EU/EES member states can get family benefits under certain circumstances but not children living outside the EU.</p>
--	--	--	--

\*\*\*\*\*