



## **EMN Ad-Hoc Query on Ad-Hoc Query on the submission of application for temporary residence permit**

Requested by Barbara ORLOFF on 7th January 2016

### **Residence**

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Sweden, United Kingdom, Norway (20 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.*




### **Background information:**


Estonia is currently analyzing possible changes in national law concerning possibilities for submission of application for temporary residence permit. In order to apply for a temporary residence permit in Estonia a third country national shall submit an application for a temporary residence permit personally at a foreign mission of Estonia. A foreign mission of Estonia shall send it to the Estonian Police and Border Guard Board for proceedings after the person has been identified or the identity verified and, if necessary, after the taking of biometrical data. As an exception, certain favored groups of third country nationals may submit an application for temporary residence permit in Estonia. We are interested to know how the submission of application for initial temporary residence permit is regulated in other Member States. We apologize for the short deadline and kindly ask you to provide your answers to the following questions:


### **Questions**



1. 1) Is a third country national obliged to submit an application for initial temporary residence permit at a foreign mission?
2. 2) Is it possible for a third country national to submit an application for initial temporary residence permit in the Member State? If yes, please provide information about who are entitled to do it and on what conditions can a third country national submit an application for temporary residence permit in the Member State.
3. 3)  
Is it possible to submit an application for initial temporary residence permit electronically? If yes, please specify who are entitled to do it and on what conditions can it be done.


### **Responses**

|   | <b>Country</b> | <b>Wider Dissemination</b> | <b>Response</b>   |
|---|----------------|----------------------------|---|
|  | Austria        | Yes                        | <ol style="list-style-type: none"><li>1. Yes, with certain exceptions (Art. 21 Settlement and Residence Act).</li><li>2. According to Art. 21 para 2 and para 3 Settlement and Residence Act, in particular the following third-country nationals are entitled to submit their initial application in Austria: • Foreigners within six months after the termination of their legal settlement in Austria, if their settlement did not require a permit or a documentation; • Foreigners within six months after the loss of Austrian citizenship, Swiss</li></ol> |

|   |         |     |   |
|---|---------|-----|---|
|   |         |     | <p>citizenship or citizenship of a member state to the European Economic Area; • Family Members who are entitled to visa-exempt entry during their visa-exempt stay; • Foreigners who apply for a temporary residence permit as researcher and their family members after having legally entered the federal territory during their lawful stay; • Certain groups of persons applying for a temporary residence permit for students after having legally entered the federal territory during their lawful stay; • Unaccompanied minors in the best interest of the child; • Persons, whose right to private and family life under Art. 8 ECHR would otherwise be violated.</p> <p><b>3.</b> No. According to Art. 6 Regulation on the Implementation of the Settlement and Residence Act, the required documents have to be produced in the original.</p>  |
|  | Belgium | Yes | <p><b>1.</b> In principle, yes. Article 9 of the Law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals (hereafter: the Immigration Law) stipulates that, save as otherwise provided in an international treaty, a law or a royal decree, third country nationals wishing to reside in Belgium for a period exceeding 3 months, have to apply for a residence permit at the competent Belgian diplomatic or consular post in their place of residence or stay abroad.</p> <p><b>2.</b> Although the general legal rule in Belgium is that a request for a residence permit needs to be submitted at the diplomatic / consular post abroad, third-country nationals can change their residence status in country to almost any possible other residence status, as long as the TCN is in legal stay at the moment of filing the request and meets the eligibility conditions that are linked to the immigration status that he/she wants to obtain: Article 25/2 of the Royal Decree of 8 October 1981 implementing the Immigration Law, provides for the possibility for foreign nationals to apply for a residence permit in Belgium, provided that:</p> <ul style="list-style-type: none"> <li>o The foreign national is staying legally in Belgium at the moment of filing the application (this can either be a short stay or a long stay exceeding 3 months).</li> <li>o The foreign national meets all the conditions linked to the residence permit he/she is applying for.</li> </ul> <p>Articles 26 and 26/2 of the above mentioned Royal Decree stipulate that foreign nationals can apply in Belgium for the status of family member of a TCN who is already legally residing in Belgium, provided that:</p> <ul style="list-style-type: none"> <li>o The foreign national is staying legally in Belgium at the moment of filing the application (this can either be a short stay or a long stay exceeding 3 months).</li> <li>o The foreign nations meets all the conditions linked to the residence permit he/she is applying for, such as status of family member of a TCN who already</li> </ul> |

|   |          |     |   |
|---|----------|-----|---|
|   |          |     | <p>has an unlimited right of residence in Belgium (art. 10 of the Immigration Law), status of family member of a TCN who already has a temporary residency right in Belgium (art. 10bis of the Immigration Law), etc. Furthermore, art. 9bis of the Immigration Law stipulates that - in exceptional circumstances - a foreign national can submit an application for a residence permit directly in Belgium (based on humanitarian grounds). Finally, art. 9ter of the Immigration Law stipulates that a foreign national who suffers from a disease that constitutes a real risk to his/her life or physical integrity or for which there is a real risk of inhuman or degrading treatment when there is no adequate treatment in his/her country of origin or residence, can also apply for a residence permit in Belgium.</p> <p><b>3. No</b></p>   |
|  | Bulgaria | Yes | <p><b>1. No.</b></p> <p><b>2. Yes.</b> To obtain right of prolonged residence permit the foreigner personally presents an application form with attached: 1. a copy of the regular travel document with pages of image data, visa Art. 15, para. 1 LFRB, if required, and press for the last entry in the country; for verifying the authenticity of the copy is presented the original of the travel document; 2. document for paid state charge under Art. 10, para. 3 Tariff № 4 for the fees collected by the Ministry of Interior under the Stamp Duty Act; 3. The evidence provided housing; 4. compulsory medical insurance valid in the Republic of Bulgaria, where the person is not insured under the Health Insurance Act; 5. evidence of sufficient means of subsistence, without recourse to the social assistance system, in an amount not less than the minimum monthly wage, the minimum scholarship or the minimum pension in the country for the period of residence in the Republic of Bulgaria; 6. criminal record certificate issued by the State of nationality of the foreigner, or the country of habitual residence - in the initial application; 7. document according to the ground for the application. The application under par. 1 shall be submitted not later than 14 days before the expiry of the authorized period of stay of the foreigner in the Republic of Bulgaria. The application shall be heard and determined within 14 days. In legal and factual complexity and the need for submission of additional documents this period may be extended by one month, the foreigner is notified in writing that he shall indicate that the necessary documents and information should be presented in 14 days. In the event that additional documents and information not presented in time, production is stopped and the application is not subject to re-review.</p> |



|   |                |     |   |
|---|----------------|-----|---|
|   |                |     | 3. No.  |
|    | Croatia        | Yes | <p><b>1.</b> The general rule stipulates that an application for temporary residence is to be submitted to the component Diplomatic Mission or Consular Office of the Republic of Croatia.</p> <p><b>2.</b> Yes. According to the Article 48 of the Foreigners Act, an application for temporary residence of a foreigner who does not require a visa for entry into the Republic of Croatia may be submitted to the Police Administration or Police Station based on the place of the intended residence of the foreigner, the registered office of the employer or the place of work of the foreigner. Also, a foreigner who needs a visa for entry to the Republic of Croatia and who arrives to study at the faculty as a regular student of under-graduate, graduate, or post-graduate degree, a foreigner who applies for the temporary residence for the purpose of scientific research, and a foreigners who are: - working under youth mobility programmes, carried out by the Republic of Croatia in cooperation with other states, - scientists and foreigners employed in scientific legal entities to perform scientific work, teaching or other research positions, - university professors-native speakers of foreign languages, foreign language instructors and other lecturers at the Croatian universities or registered schools for foreign languages, and -foreigners working pursuant to an international treaty (other than the treaty referred to in Article 79, Paragraph 1, Point 2 of Foreigner Act), - as well as his nuclear family members may submit an application for temporary residence to the Police Administration or Police Station.</p> <p><b>3.</b> No.</p> |
|  | Czech Republic | Yes | <p><b>1.</b> An application for a long-term visa for over 90 days can be filed at a Czech Embassy abroad. A foreigner is obliged to file the application only at the Czech Embassy in the state of which the person is a citizen or which issued his/her current travel document or in the state in which he/she has a long-term or permanent residence permit. A foreigner does not have to meet these conditions if he/she is a citizen of a state presented in the list of countries whose nationals are entitled to file an application for a long-term visa at any Czech Embassy whatsoever (Decree No. 429/2010 Coll.).</p> <p><b>2.</b> An application for a long-term visa can only be filed inside the Czech Republic in legally set cases. A foreigner is entitled to file an application for a long-term residence permit inside the Czech</p>   |



|   |         |     |   |
|---|---------|-----|---|
|   |         |     | <p>Republic at the MOI offices, if: • he/she has been residing in the Czech Republic on a visa for a stay of over 90 days and he/she intends to temporarily live in the Czech Republic for more than 6 months including the previous visa and if, at the same time, the purpose of his/her stay remains unchanged (exceptions are made e.g. for a Blue Card, family members or scientists). In given cases, an application for a long-term residence permit without the precondition of staying on a visa for over 90 days can be submitted a Czech Embassy (purpose of studies, scientific research, family reunification, resident of another EU Member State, Blue Card).</p> <p><b>3. No.</b></p>   |
|  | Estonia | Yes | <p><b>1.</b> As a general rule a third country national must submit an application for a temporary residence permit personally at a foreign mission of Estonia.</p> <p><b>2.</b> Yes, certain favored groups of third country nationals may submit an application for temporary residence in Estonia. According to Article 216 of the Aliens Act (<a href="https://www.riigiteataja.ee/en/eli/529122015001/consolide">https://www.riigiteataja.ee/en/eli/529122015001/consolide</a>) the following persons may apply for a temporary residence permit at the Police and Border Guard Board: • a spouse of an Estonian citizen, a minor child and an adult child who due to health condition or disability is not able to cope independently; • an Estonian; • for children under one year of age descending from a third country national who reside in Estonia on the basis of a residence permit; • third country nationals for activities in the framework of an international program of cooperation involving agencies with state or local government participation; • third country nationals who are staying in Estonia on the basis of a temporary residence permit and are applying for a new temporary residence permit; • third country national who is unable to apply for a residence permit at a foreign representation of Estonia for good reason; • third country nationals to whom the Police and Border Guard Board has granted a permission therefor on the basis of a reasoned proposal of a member of the Government of the Republic on the grounds that their entry into Estonia is necessary in the public interests • third country nationals who are citizens of a state with which Estonia has entered into an agreement for visa-free travel or whose citizens are relieved of the visa requirement in Estonia; • citizens of the United States of America or Japan; • third country nationals who settled in Estonia before 1 July 1990 and have not thereafter left Estonia to reside in another country and to whom issue of a residence permit or extension of a</p> |


|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>residence permit has not been refused or whose residence permit has not been revoked; • third country nationals who hold a long-term resident's residence permit of a member state of the European Union, except Estonia, and who applies for a temporary residence permit for study, employment or enterprise and a spouse or a minor child or an adult child who due to health condition or disability is not able to cope independently of the third country national if the family has been founded in a member state which issued a long-term resident's residence permit to the third country national; • third country national whose long-term resident's residence permit has been revoked for the reason that he or she has submitted false information for the issue of the long-term resident's residence permit or used deceit within two months from the revocation of the long-term resident's residence permit; • third country national who is staying in Estonia legally but is applying for a residence permit for study in Master's or Doctorate programs on the basis of the state-recognized curriculum. • third country national who is staying in Estonia legally when he or she is applying for the EU Blue Card; • third country national who is holding the EU Blue Card issued by another member state of the European Union who is applying for the EU Blue Card in Estonia and the spouse and a close relative of the third country national who hold a residence permit issued by another member state of the European; • third country national who is applying for a temporary residence permit for the purposes of performing the directing or supervisory functions of a legal person governed by private law or a branch of a foreign company if the legal person governed by private law or the branch of a foreign company has been entered into the register in Estonia for at least four months before the submission of the application for a residence permit and he or she has been engaged in activities in Estonia during at least four previous months and the third country national is staying in Estonia on the basis of a visa or visa-free in relation to the activities of the legal person governed by private law or the branch of a foreign company. • third country national who is applying for a temporary residence permit for enterprise if the company or the branch of a foreign company has been entered into the register in Estonia for at least four months before the submission of the application for a residence permit and he or she has been engaged in business activities in Estonia during at least four previous months and the third country national is staying in Estonia on the basis of a visa or visa-free in relation to the activities of the company or the branch of a foreign company. • third country national who is applying for a residence permit for enterprise and whose company is in compliance with the conditions for a starting company provided for in in the law; • third country national whose short-term employment in Estonia has been registered; • third country national who is applying for a residence permit as a teacher, researcher or top specialist</p> |
|--|--|--|---|



|   |         |     |  |
|---|---------|-----|--|
|   |         |     | <p>provided that the third country national has appropriate professional preparation; • third country national who is applying for a residence permit for study in the Bachelor’s studies and who commences studies in the framework of an international program of cooperation or a treaty or an international cooperation agreement of a higher educational institution or if the third country national has been designated a scholarship which is financed by the Estonian state or is internationally recognized; • the spouse, a minor child and an adult child who due to his or her health status or disability is unable to cope independently of a third country national in specified cases;</p> <p><b>3. No.</b></p>   |
| + | Finland | Yes | <p><b>1.</b> In principle yes. However, in certain cases it is possible to submit an application also in Finland.</p> <p><b>2.</b> Alien’s Act Section 49: “Issue of first fixed-term residence permits to aliens who have entered the country without residence permits (1) An alien who has entered the country without a residence permit is issued with a temporary or continuous residence permit in Finland if the requirements for issuing such a residence permit at a Finnish diplomatic or consular mission abroad are met, and if: 1) the alien or at least one of his or her parents or grandparents is or has been a Finnish citizen by birth; 2) the alien has already, before entering Finland, lived together with his or her married spouse who lives in Finland, or has continuously lived together for at least two years in the same household in a marriage-like relationship with a person who lives in Finland; 3) refusing a residence permit for an employed or self-employed person applied for in Finland would be unfounded from the alien’s or employer’s point of view; 4) the alien has before entering Finland resided in another Member State for the purposes of carrying out scientific research referred to in the Directive on researchers, and applies for a residence permit in Finland for the same purpose or is a family member of such a person; or 5) refusing a residence permit would be manifestly unreasonable. Correspondingly, the provision in subsection 1(2) applies to registered partnerships of the same sex and to marriage-like relationships of two persons of the same sex living continuously together in the same household.”</p> <p><b>3.</b> A residence permit for studies or for an employed person can be applied electronically. The applicant has to visit a selected service point in order to prove the identity, present the original copies of the attachments required for the application and to have the fingerprints taken.</p> |




|   |         |     |   |
|---|---------|-----|---|
|  | France  | Yes | <p><b>1.</b> In principle, yes. According to the code for entry and residence of foreigners and right of asylum (CESEDA), third country nationals wishing to reside in France for a period exceeding 3 months, have to apply for a long term visa at the competent French diplomatic or consular post in their place of residence or stay abroad.</p> <p><b>2.</b> Third-country nationals can change their residence in France, as long as they reside legally in France at the moment of filing the request and meet the required conditions for the immigration status that he/she wants to obtain. Moreover, certain categories do not need a long-term visa to enter France and can apply directly for a residence permit after their arrival in France: - holders of a long-term resident card issued in another EU Member State as long as they apply for a residence permit in France within 3 months after their arrival, - holders of an EU Blue card issued in another EU Member State as long as they fulfill the conditions for a French EU Blue card. Certain categories can also enter France with a short-term visa and apply for a residence permit once in France if they change their status: - minors who follow their studies in France, once they get 18 - students who pass an entrance test</p> <p><b>3.</b> No, French authorities require to see the applicant physically at least once, especially for collecting biometric data (fingerprints).</p> |
|  | Germany | Yes | <p><b>1.</b> Basically, yes</p> <p><b>2.</b> Citizens of Australia, Israel, Japan, the Republic of Korea, New Zealand and the United States of America can enter without a visa and may apply for the residence permit required for a long-term residence in Germany. The same applies to nationals of Andorra, Brazil, El Salvador, Honduras, Monaco and San Marino, who do not want to engage in any gainful employment. The application for a residence permit must be applied for within 90 days after entry (§ 41 Residence Ordinance).</p> <p><b>3.</b> No, for applying for the residence permit the foreigner must appear in person, abroad at a German diplomatic mission, in Germany at the appropriate foreigners authority.</p>   |



|   |         |     |  |
|---|---------|-----|--|
|  | Hungary | Yes | <p><b>1.</b> Yes, according to the main rule, residence permit applications, with exceptions specified in the law, shall be submitted at the consular officer or at other locations authorized to receive residence permit applications which operates in the country of the applicant's permanent residence or nationality. Exceptions are listed in the answer for Q2, below.</p> <p><b>2.</b> Yes. A third country national staying in the territory of Hungary is able to submit his residence permit application at the responsible regional directorate of the Office of Immigration and Nationality as well, a) in case the domestic application is based on exceptional circumstances, such as family reunification or medical treatment, or b) if the purpose of stay longer than 90 days within 180 days is research or c) the applicant is a citizen of a country listed in Annex II. of the Council Regulation (EC) No 539/2001, therefore, is not subject to the visa obligation, or a family member of such a third country national staying in the territory of Hungary legally ((4) a) of § 47 of Government Decree 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals).</p> <p><b>3.</b> No. According to the main rule, when submitting the application to the authority, the applicant is required to appear in person, unless the foreigner is unable to appear due to his/her health condition.</p> |
|  | Italy   | Yes | <p><b>1.</b> No. Italian legislation has such a requirement for obtaining a visa, not for a residence permit. Visas are issued by the Italian Embassies or Italian consular posts of the foreign nationals' countries of residence. Residence permits are issued by the Italian Questura (Police authority) of the Province in which the foreign nationals are staying after entering Italy legally.</p> <p><b>2.</b> Yes. In general, foreign nationals who have entered the territory of the Italian State legally with a passport and an entry visa are entitled to stay in Italy. Entry into the country is permitted to foreign nationals who: 1. have documents justifying the reason and conditions of their stay and who prove they have sufficient financial means in relation to the nature and expected length of their stay and to the cost of their return to their country of provenance (or of transit towards a third-country); and 2. are not the subjects of alerts in the Schengen Information System (SIS); and 3. are not considered to be a threat for public order or the security of the State or the international relations of one of the contracting parties, under national provisions or provisions of other Schengen States. A residence permit is issued on the same grounds on which a visa was previously issued by the Questura (the</p>   |



|   |        |     |   |
|---|--------|-----|---|
|   |        |     | <p>police authority) of the Province in which the foreign national has settled. To obtain a residence permit, a foreign national has to submit the following within 8 days from legal entry in Italy: <input type="checkbox"/> residence permit application form; <input type="checkbox"/> current valid passport, or other equivalent travel document, with the relevant entry visa (if required); <input type="checkbox"/> photocopy of the above document; <input type="checkbox"/> four identical and recent passport-size photos; <input type="checkbox"/> €16 electronic revenue stamp; <input type="checkbox"/> documentation required for the type of residence permit requested; and <input type="checkbox"/> payment of a fee from €80 to €200 (depending on the type of residence permit requested). Foreign nationals who come to Italy for the purposes of visits, business, tourism and education for periods not exceeding three months are not required to apply for a residence permit.</p> <p><b>3.</b> No, currently it is only possible to look at the status of the procedure on line, after an application has been submitted. The link is the following: <a href="http://questure.poliziadistato.it/stranieri/">http://questure.poliziadistato.it/stranieri/</a></p>   |
|  | Latvia | Yes | <p><b>1.</b> The general rule stipulates that documents shall be submitted in the embassy of Latvia abroad however there are many exceptions from this rule.</p> <p><b>2.</b> Categories of foreigners who are allowed to submit documents in the territory of Latvia: - persons from visa free countries; - persons who are holders of residence permits issued in other Schengen countries or persons who have been granted EC long-term resident status; - a teacher at an accredited educational institution; - a scientist who has entered into a contract of scientific co-operation with a scientific institution included in the register of scientific institutions; - a consultant (expert) who provides assistance to the State or local government institution or a person who helps to implement such an international agreement or project, to which the Republic of Latvia is a member state; - a composer, a musician, a singer, a choreographer, a dancer, a director, an actor, a circus artist, a technical worker involved in provision of a performance or the head of a culture institution financed from the State or local government budget; - person who has received a work permit (on the ground of visa) in the Republic of Latvia; - a sports trainer; - a professional sportsman upon an invitation of a sports club; - a pupil or full-time student of an educational institution accredited in the Republic of Latvia and his or her residence is related to participation in an exchange programme or he or she is admitted for studies in a master's or doctoral study programme or a study programme at the end of which the student obtains a degree regarded as equal to master degree; - a parent of a citizen of Latvia</p> |

|   |            |     |   |
|---|------------|-----|---|
|   |            |     | <p>or a non-citizen of Latvia; - a minor child; - a foreigner one of whose relatives is a Latvian or a Livonian (Liiv) in direct line and who is taking up permanent residence in the Republic of Latvia; - a highly qualified worker who is requesting the European Union Blue Card; - an investor if s/he is not a citizen of increased risk of terrorism country; - family members of the above-mentioned foreigners.</p> <p><b>3.</b> Latvia is working on introduction of electronic applications but this possibility is not available yet.</p>   |
|  | Lithuania  | Yes | <p><b>1.</b> No. The application for a temporary residence permit may be lodged at the Lithuanian embassy or consulate, or, if a TCN is already legally staying in the territory, he/she can apply for a temporary residence permit at the territorial migration services.</p> <p><b>2.</b> Legally staying TCNs may submit an application for a temporary residence permit while in the country.</p> <p><b>3.</b> No</p>   |
|  | Luxembourg | Yes | <p><b>1.</b> 1. Yes. In Luxembourg, any third-country national who wants to apply for an authorisation of stay to reside in the territory must file an application at a Luxembourgish diplomatic mission or at the diplomatic mission of the Member State which represents the interest of the Grand-Duchy of Luxembourg. Article 39 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) expressly indicates that except the authorisations governed by Articles 78(3) and 89 (1) (see response to question 2), an application for an authorisation of stay must be submitted to the Minister by a third-country national and must be granted prior to his/her entering the territory. The application must be lodged before the third-country national enters the territory; if it is not, it will be considered inadmissible.</p> <p><b>2.</b> 1. Yes. Article 78 (3) of the Immigration Law establishes the possibility that a third-country national can apply for an authorisation of stay for private reasons based on humanitarian grounds of exceptional seriousness, provided that his/her presence does not constitute a threat to public policy, public health or national security. Article 89 (1) of the Immigration Law establishes that an authorisation of stay can be granted to a third-country national who has resided in the territory for at</p> |

|  |  |  |  |
|--|--|--|--|
|  |  |  | <p>least 4 years before filing the application and who proves a real desire for integration, provided that his/her presence does not constitute a threat to public policy, public health or national security, and under the conditions that s/he has not used false information regarding his/her identity and s/he has not absconded a removal measure if (a) the applicant has the parental authority of a minor who lives in his/her household and attended a Luxembourgish school for at least 4 years and that the applicant can provide for his/her needs and those of his/her family; or (b) the applicant has followed with success at least 4 years of school in a Luxembourgish educational institution and introduced his/her application before his/her 21th birthday and proves that s/he has sufficient resources for covering his/her needs. The Minister in charge of Immigration will issue a salaried worker residence permit if the applicant fulfils the conditions of article 42 (1) 3 and 4 of the Immigration Law or a residence permit for private reasons in case the applicant continues studying or doing vocational training. The application for the authorisation of stay based on article article 78(3) or article 89 (1) has to be filed at the Directorate of Immigration and it is the Minister in charge of Immigration who will decide. Article 39 (2) of the Immigration Law expressly indicates that:“ In exceptional cases, a third-country national staying legally on the territory for a period of up to three months may be authorised to lodge with the Minister, during that period, an application for an authorisation of stay for a period of more than three months, provided that he/she proves that he/she fulfils all of the conditions for the category of authorisation sought and provided that the return to his/her country of origin constitutes an intolerable burden for him/her.” According to article 39 (3) persons granted an authorisation of stay for longer than three months, other than pupils, trainees, volunteers and au pairs, may apply to the Minister, before the expiry of their residence permit, for another type of authorisation of stay provided that the person concerned fulfils all the conditions for the category of authorisation sought. Article 59 of the Immigration Law establishes that the student who finishes his/her studies can apply for an authorisation of stay as a salaried worker without having to file the application from his/her country of origin. This authorisation will be issued for a maximum duration of 2 years and it is not renewable. The following conditions have to be fulfilled: (1) he/she has successfully completed, in the Grand Duchy of Luxembourg, a course leading to the award of a final higher-education diploma; (2) he/she wishes, with the prospect of returning to his/her country of origin, to supplement his/her academic training by an initial work experience serving the economic interests of the Grand Duchy of Luxembourg and those of his/her country of origin; (3) the salaried activity in which he/she intends to engage is directly related to his/her academic training; and (4) he/she has an employment contract.</p> |
|--|--|--|--|

|   |             |     |  |
|---|-------------|-----|--|
|   |             |     | <p>S/he has to have the employment contract before the student residence permit expires, if not s/he must file the application from his/her country of origin.</p> <p><b>3. 3. No.</b></p>   |
|  | Netherlands | Yes | <p><b>1.</b> Third country nationals who need a Provisional Residence Permit need to approach the Dutch Embassy or Consulate in their country of origin or the country in which they are staying. A Provisional Residence Permit is a visa with which a third country national can enter the Netherlands for a stay of longer than 90 days. A third country national from Australia, Canada, Japan, New Zealand, the United States of America, South Korea, Monaco, Vatican City, the EU/EEA countries or Switzerland does not need a Provisional Residence Permit. All other third country nationals need a Provisional Residence Permit. The conditions for an initial temporary residence permit will be assessed at the same time as the conditions of the Regular Provisional Residence Permit. In fact, when applying for a provisional residence permit the foreigner also applies for an initial residence permit. If the application for a Provisional Residence Permit has been granted, the foreigner will be issued a residence permit after arrival in the Netherlands. No further application is required. It is also possible that a sponsor residing in the Netherlands submits an application for initial temporary residence in the Netherlands for the third country national who needs a Regular Provisional Residence Permit.</p> <p><b>2.</b> Third country nationals who do not need a Provisional Residence Permit, can submit an application for initial temporary residence permit in the Netherlands. The application form, the appendices and the requested evidence can be send to the Immigration and Naturalisation Service (IND) by post. After the application is submitted, the applicant will receive a letter containing the amount of fees and information on how to pay. It is also possible to visit the IND Desk in person in order to submit the application for a residence permit. The applicant can pay the fees at the IND Desk. An overview of exemptions and requirements for the Provisional Residence Permit can be found here: <a href="https://ind.nl/EN/individuals/residence-wizard/procedure/Pages/default.aspx#paragraph1">https://ind.nl/EN/individuals/residence-wizard/procedure/Pages/default.aspx#paragraph1</a></p> <p><b>3.</b> For some residence permits it is possible to submit an application for a temporary residence electronically; highly skilled migrant and accompanying family, scientific research worker and accompanying family, au pair, exchange. Only a recognised sponsor can submit the application and</p> |

|   |                 |     |  |
|---|-----------------|-----|--|
|   |                 |     | has to provide the requested evidence.   |
|  | Portugal        | Yes | <ol style="list-style-type: none"> <li>1. No. The Portuguese legal framework on migration only considers the issuing of a residence permit in national territory.</li> <li>2. Yes. The application must be submitted to Immigration and Borders Service and the third country national must satisfy the requires of the legal migration framework (Act n.º29/2012, 9th August)</li> <li>3. No. Because it's only allowed presential application due to the collection of biometric data.</li> </ol>  |
|   | Slovak Republic | Yes | <ol style="list-style-type: none"> <li>1. Yes. The application for temporary residence must be submitted by a third-country national at the diplomatic mission of the SR accredited to the country of his/her citizenship or his/her residence.</li> <li>2. Yes s/he can, provided that a third-country national resides legally in Slovakia. However, this does not apply to holders of the tolerated residence granted due to the fact that their departure is not possible and their detention is inefficient, and to asylum seekers.</li> <li>3. No, it's not possible to submit the application for temporary residence electronically.</li> </ol>  |
|  | Sweden          | Yes | <ol style="list-style-type: none"> <li>1. Yes it is the normal procedure. Some minor exemptions may occur.</li> <li>2. As a principal rule according to Aliens act is that an alien have to apply for and been granted a residence permit before entering Sweden. An application after entering Sweden may not be granted. There are some exemptions: Asylum applications and asylum seekers that have not been granted residence permit on grounds related to their asylum application can under certain circumstances be granted work permission. Among others it should processed in direct connection to the asylum decision. Students have the possibility after successfully finished their studies to apply and be granted residence permit for six months for the purpose of finding a job. They have to finance their stay on their own.</li> <li>3. Yes. Excluding asylum applications most of the other categories have the opportunity to apply</li> </ol> |

|   |                |     |   |
|---|----------------|-----|---|
|   |                |     | <p>electronically. Details can be reached via the web site of The Swedish Migrations Agency (<a href="http://www.migrationsverket.se">www.migrationsverket.se</a>). After an electronically made application there are some formalities that might result in the necessity to visit a Swedish foreign mission for example to be interviewed in a case regarding family ties. A full digitally process is not yet available.</p>   |
|    | United Kingdom | Yes | <p><b>1.</b> Most third country nationals coming to the UK to take employment are required to obtain visas before they enter but there are exceptions (see question 2). Applicants in family routes require visas for initial entry.</p> <p><b>2.</b> Yes, in the following employment categories: - Creative and sportspeople from countries whose nationals don't always require a visa for the UK coming here for up to three months under Tier 5 of the Points-Based System. - Seamen coming to the UK to change ship or to disembark from a ship to be repatriated, or to join a ship if they are: o A holder of a valid identity document issued under ILO Convention 108, or o From a country whose nationals don't always require a visa for the UK - Offshore workers from a country whose nationals don't always require a visa for the UK - Locally engaged, non-diplomatic staff of diplomatic missions from a country whose nationals don't always require a visa for the UK - Aircrew from a country whose nationals don't always require a visa for the UK who are staying in the UK for more than seven days but less than six months</p> <p><b>3.</b> All applicants are required to apply electronically from abroad on the UK Visas website unless they are in North Korea, but they must also visit one of the UK's network of visa application centres to provide their biometrics. It is not possible to do so, however, in the employment categories listed in our answer to question 2 while in the UK.</p> |
|  | Norway         | Yes | <p><b>1.</b> The main rule is that the third country national must submit an application for his or her initial/first time residence permit at a foreign mission.</p> <p><b>2.</b> A TCN can submit their first time residence permit in Norway (temporary) on certain conditions (see section 10-1 of the Norwegian Immigration Regulations): - Applicant has legal stay in Norway. - Applicant belongs to a group that is entitled to submit their first time applications in Norway. (see groups below) o Asylum seekers awaiting a decision, or who are waiting to exit Norway after a</p>  |



|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>rejected asylum application are not entitled to apply. (though this does not apply to the spouse, cohabitant, child or parent of Norwegian child) Exemptions can be made (allowing other applications from Norway) on the basis of strong grounds of reasonableness, but administrative practice is very strict. In cases where the applicant does not meet the conditions for applying from Norway, (and is expected to apply from abroad) the application is rejected, for formal reasons. The entitled groups mentioned above are: - a foreign national who is a qualified skilled worker,(see Norwegian Immigration Act section 6-1, first paragraph) - seasonal workers, (see section 6-3) - a spouse, cohabitant, child or adopted child of a person who has a permanent residence permit, a permit that constitutes a basis for a permanent residence permit or a permit as employed by an international company, In the case of spouses and cohabitants, it is a condition that the basis for the stay is not a Schengen visa or a visa granted on humanitarian grounds or that the basis for the stay is an equivalent visa issued by another Schengen country. If the applicant is a child, documentary evidence must be presented to show that the sponsor has joint parental responsibility for the child. If the sponsor does not have sole parental responsibility, the other parent must consent to the application for a residence permit for the child, - a parent of a Norwegian child, see section 44 of the Act, - a foreign national who is born to parents of whom at least one was a Norwegian national at the time the child was born, see section 8-10, - a foreign national who has been permanently employed by a Norwegian shipping company and falls within the scope of section 8-11. It is a condition that the person concerned signs off in the realm, or travels to Norway immediately after signing off abroad, - a foreign national who applies for a short-term stay (for nine months) under section 47 of the Act to visit a child in Norway, - seamen on board a foreign-registered ship who apply for a permit under section 6-6, - necessary security and maintenance crew on board a ship that is laid up in the realm, see section 6-31, third paragraph.</p> |
|--|--|--|---|

**3.** Norway has an electronic application portal (<https://selfservice.udi.no/>) where the applicant fills in the application form, pays the fee and books an appointment at a foreign mission or, when applicable, with the relevant police district in Norway. (This application portal is used for most applications with the exception of applications for asylum or applications based on strong humanitarian grounds.)