



## **Wider dissemination**

### **EMN Ad-Hoc Query on Processing Applications for Admission of Labour Migrants**

Requested by Martina KAMENICKA on 31st January 2017

#### **Economic Migration**

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (21 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:**

Currently, the Czech Republic has the lowest unemployment rate among all EU Member States (3,7 % according to the Eurostat data) and the GDP growth rate at 2 %. In order to cover labour market shortages, the number of applications for admission of labour migrants from the third countries increased by 100 % in 2016 (9,400 applications in comparison with 4,800 in 2015) and it is expected that the number may double again in 2017 (18,000 applications). The Czech Republic issues 2 types of long-term residence permits for the purpose of employment: national Employee Card (98 % of permits) and EU Blue Card (only 2 %). Both cards are granted for specified job vacancies which passed the labour market test and therefore the labour migration inflow regulates itself according to the situation in the labour market and availability of job opportunities. Applications for Employee and Blue Cards are filed at embassies of the Czech Republic abroad and processed by the Ministry of the Interior.

Due to the rapid increase of workload the Ministry of the Interior plans to take several measures to optimise the process. In order to assess our situation by comparison with practice of your Member State, we kindly ask you to answer the following questions.

### **Questions**

1. What is the average processing time of an application for admission of a third-country national for the purpose of a long-term employment in your Member State? Please, do not include fast-track schemes.
2. How many applications on average does 1 employee of your Member State's immigration office process in a year?

### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	Yes	<p><b>1.</b> Decisions on the granting of a residence title permitting long-term employment in Austria, as for example the Red-White-Red Card, have to be taken by the competent residence authority without undue delay, but at the latest eight weeks after the application has been filed. Source: Federal Ministry of the Interior.</p> <p><b>2.</b> Since in this regard no statistical information is collected, no information can be provided. Source: Federal Ministry of the Interior.</p>

	Belgium	No	
	Croatia	Yes	<p><b>1.</b> According to the General Administrative Procedure Act the processing time of an application for a residence permit is 30 days as of the day of submitting the application and 60 days as of the day of submitting the application in case of third country national is under the investigation procedure. The data on the average processing time for temporary residence permit for employment is not available.</p> <p><b>2.</b> Data not available.</p>
	Cyprus	Yes	<p><b>1.</b> On average 7 work days</p> <p><b>2.</b> On average 3500 applications per year / per one employee</p>
	Czech Republic	No	
	Estonia	Yes	<p><b>1.</b> According to legislation the processing time of an application for a residence permit is two months as of the day of submitting the application. In practice in 2015 the average processing time for temporary residence permit for employment was 38 days and in 2016 53 days.</p> <p><b>2.</b> It is difficult to state an exact number as it depends on which kind of residence permit application is processed and on the difficulty of the case, but it is estimated that one employee processes on average between 1000 to 1100 application in a year.</p>
	Finland	Yes	<p><b>1.</b> According to the Aliens Act, the maximum processing time for residence permits for work is 4 months. This does not apply to residence permit applications for self-employed persons. Currently, the majority of applications are processed within the expected processing time. The maximum processing time for EU Blue Card applications is 90 days. The applications are processed within the expected time. The average processing times in 2016 were as follows: Residence permit for an employed person: 100 days Residence permit for an employed person requiring a partial decision applying labour availability consideration by Employment and Economic Development Office: 119 days EU Blue card:</p>

			<p>36 days Specialist: 37 days</p> <p>2. This figure is not available.</p>
	France	Yes	<p>1. France issues several residence permits for the purpose of employment. The residence permit for salaried activity are usually issued in 68 days in average (this concerns 7,580 applications filed on the national level in 2016). The residence permit dedicated to intra-group transferees (before the transposition of the Directive 2014/66/EU) is usually issued in 10 days in average (covering 2,250 applications in 2016). The EU Blue card was issued in 11 days in average in 2016 (682 applications) and the residence permit for scientists-researchers was issued in 23 days in average in 2016 (654 applications). Please note that this information may be subject to changes in 2017 since a new law on the right of foreign nationals in France was implemented early 2016 and created new residence permits (called "passport talent) whose issuance may be quicker. However we need more time to determine the average issuance.</p> <p>2. this information is not available.</p>
	Germany	Yes	<p>1. 23 working days (duration of the visa procedure from application to the issued visa.</p> <p>2. No information available.</p>
	Hungary	Yes	<p>1. According to national law the processing time is 21 days but within 70 days the immigration office have to make the final decision anyway in every case.</p> <p>2. We do not have such statistical data available.</p>
	Latvia	Yes	<p>1. The processing time of an application for admission of a third-country national for the purpose of a long-term employment is 30 days.</p> <p>2. On average one employee examines approx. 400 applications (including first-time applications and</p>

			renewals).
	Lithuania	Yes	<p><b>1.</b> Aliens with the intention to work in the Republic of Lithuania are issued a national visa (for the first year of employment) or a temporary residence permit. The procedure of the examination of application for the national visa must last no longer than 15 days (in complex cases the term can be extended to 30 days; in exceptional cases to 60 days). An application for a temporary residence permit must be examined within 4 months (the average duration of examination, including cases of urgency, in 2016 was 72 days). In those cases when an alien intends to perform a job requiring high-skilled professional qualification, an application must be examined within 2 months (the average duration of examination, including cases of urgency, in 2016 was 41 days). *Average processing time excluding fast-track procedure not available.</p> <p><b>2.</b> One expert in the Migration Department process approx. 1000-1100 applications per year (both national visa and temporary residence permit).</p>
	Luxembourg	Yes	<p><b>1.</b> There are no data on the average processing time of an application for admission of a third-country national for the purpose of a long-term employment. However indications can be given on the procedure and some deadlines. The third-country national who wants to apply for a salaried worker residence permit must apply from his/her country of origin (article 39 (1) of the amended law of 29 August 2008 on free movement of persons and immigration). The authorisation to stay shall be granted by the Minister in charge of immigration and asylum to the third-country national for the pursuit of a salaried activity, after the Minister has verified whether, in addition to the conditions of entry, the following conditions are fulfilled: (1) the priority in matters of recruitment and employment accorded to certain workers under Article L. 622 4(4) of the Labour Code is not thereby affected; (2) the pursuit of the activity in question serves the country's economic interests; (3) the third-country national possesses the professional qualifications needed to pursue the activity in question; (4) the third-country national has an employment contract concluded in respect of a position which has been declared to the Agence pour le développement de l'emploi (ADEM – National Employment Agency) as being vacant, in accordance with the formal requirements and on the conditions provided for by the relevant legislation in force. The labour market test mentioned in article in article 42 (1) 1 of the Immigration Law can take approximately one month because an employer who has not been presented with a</p>

			<p>suitable candidate from the ADEM within 3 weeks following his declaration of a vacant position can request a certificate from ADEM which will allow him to recruit a third-country national. Once the application is completed in accordance with article 42 (3) the Directorate of Immigration has a deadline of four months to take the decision (if the file is incomplete or if the Minister requests additional information this period is suspended).</p> <p><b>2.</b> No information available.</p>
	Netherlands	Yes	<p><b>1.</b> The Dutch NL EMN NCP would like to provide the following information. The information is extracted from a report called 'Evaluatie Gecombineerde vergunning voor verblijf en arbeid (GVVA procedure)', which was carried out in 2016 by the Dutch Immigration- and Naturalization Services (IND). The GVVA stems from the EU Single Permit Directive (Directive 2011/98/EU). The GVVA-procedure is for third-country nationals who apply for a combined residence and work permit for the purpose of employment. The legal processing time that may be used for a 'GVVA' is three months. In total there were 2.033 applications for a GVVA in 2015. • 80% was done within a total of seven weeks. • For 376 applications (15%) the total processing time was between seven to eleven weeks. • For 138 applications (5%) the total processing time was more than eleven weeks. In conclusion, in 97% of the total of applications the legal process time is met. The evaluation concerns the processing time of the GVVA procedure in 2015. Due to the fact that there were no policy changes, the numbers of 2015 will also be applicable for 2016. For this reason, we do not refer to more recent information. For more information, you can access the public document through this link: <a href="https://ind.nl/Documents/Rapport%20Evaluatie%20GVVA%20Definitief.pdf">https://ind.nl/Documents/Rapport%20Evaluatie%20GVVA%20Definitief.pdf</a> (in Dutch). Especially we refer to Table 10, paragraph 3.7.2. on page 29, which shows the total processing time from GVVA applications in 2015.</p> <p><b>2.</b> In the Netherlands there are two organizations concerned with the GVVA-Procedure, namely the IND and the Uitvoeringsinstituut Werknemersverzekeringen (UWV). The employer or the employee requests a combined residence and work permit at the IND. Concerning this application, the IND will gather advice from the UWV. The UWV carries out what is called an 'arbeidsmarkttoets' (labour market test), in which the UWV reviews if the employer has made an effort to find suitable employees in the Netherlands and the EU/EEA itself. The processing time the IND spends on a GVVA procedure</p>

			<p>concerning an application for admission of a third-country national for the purpose of a long-term employment in our Member State is an estimated 4.5 hours. The number of effective working hours is 1.378 in 2017. This means that an employee of our immigration services should be able to decide 306 cases (1.378/4.5). As said, the UWV carries out the ‘arbeidsmarkttoets’. The UWV also uses processing times, however these vary by type of application. Certain applications require less time than others, The processing times are not used to measure the performance of each employee. Due to the difference in complexity of the cases the UWV has employees who handle many applications and others who handle fewer applications. On average an UWV-employee handles around 400 applications per employee per year.</p>
	Poland	Yes	<p><b>1.</b> According to our survey conducted among bodies responsible for work permit as well as residence and work permits (15 responses of 16): The average processing time for work permit in 2016 was 50 days; in case of residence and work permits it was 124 days;</p> <p><b>2.</b> The average number of work permit applications processed by one employee in 2016 was 1255 (the number varied from 149 to 3919 according to the region)</p>
	Slovak Republic	Yes	<p><b>1.</b> The Slovak Republic records neither the average processing time of an application for admission of a third-country national for the purpose of employment, nor for the EU Blue Cards. The administrative authority – the department of the Alien Police has to take the decision on the application within 90 days as set by the national legislation, in case of the EU Blue Cards, this period is 30 days.</p> <p><b>2.</b> N/A</p>
	Slovenia	Yes	<p><b>1.</b> The average processing time of an application for admission of a third county national fo the purpose of employment is approx. 35 days.</p> <p><b>2.</b> NA.</p>

	Spain	Yes	<p><b>1.</b> The average processing time of a file of residence and work, with available data of 2016, is 51 days.</p> <p><b>2.</b> The required ratio of annual files per officer of an Office of Foreign Nationals, is highly complicated to estimate, taking into account two factors: the diversity of Offices of Foreign nationals and, on the other hand, it is not the same processing a renewal, that processing an initial authorization, or a family reunification file, or a self-employment file ... With these premises we can make an annual average of files / official, but, we insist, the information is not exact nor adjusted to reality. The data would be 448, 27 annual files / official (data of 2015).</p>
	Sweden	Yes	<p><b>1.</b> In 2016 the average processing time for applications for residence permit based on employment was 168 Days, fast-track schemes excluded.</p> <p><b>2.</b> On average 1 employee does 500 applications in a year, based on the outcome year 2016, fast-track schemes excluded.</p>
	United Kingdom	Yes	<p><b>1.</b> The UK is committed to making a decision within 3 weeks of receiving the application.</p> <p><b>2.</b> I'm afraid we do not have any information on this.</p>
	Norway	Yes	<p><b>1.</b> Skilled workers, first application 2015 2016 Case handling time (days) Total Total Average 37 21 Median 23 18 Decisions 3646 3122</p> <p><b>2.</b> Only calculated for all work permit applications (skilled worker, seasonal worker, self-employed, researcher, trainee): 680 applications processed per work year, taking into account that not the full work year is available for handling applications.</p>