

Comparative  
Immigration study  
2013-2014





# Introduction

The object of this survey is to compare the immigration schemes for highly skilled foreigners in the different nations of the European Union.

Whereas the European Council has set the objective of becoming the most competitive and dynamic knowledge-based economy in the world, it seems the EU is struggling to come up with a harmonised immigration strategy.

In 2007 the European Commission adopted two proposals. The first establishes a Framework Directive for the purpose of admitting highly educated migrants to the EU, later known as the EU Blue Card Directive. The second is a directive to simplify migration procedures by funnelling applicants into a single application procedure, the Single Permit Directive.

A third Directive on Intra-Corporate Transferees is yet to be adopted. But together with the Single Permit and the Blue Card, it will make Europe more economically competitive to tackle the current trend of workers emigrating to the traditional immigration countries like the US, Australia and Canada. So far only the Blue Card has been implemented in the legislation of EU Member States, and it will still take many years before the EU has a truly harmonised immigration strategy.

In this context, and in view of the shortage of highly skilled people on the European labour market, we see that the individual EU Member States have begun a battle for brain-power. They are trying to attract as many third-country professionals as possible by adapting their immigration rules that apply to highly skilled workers and high-net-worth individuals. It is therefore still relevant to look at the immigration schemes of the different countries to see how they adapt to economically turbulent times, while slowly harmonising with European standards.

This comparative study is the result of co-operation between Deloitte Belgium and over 20 other Deloitte Member Firms throughout Europe. The survey summarises the main and most notable trends and differences in the employment of third-country nationals in 26 countries all over Europe. The previous study, conducted in 2010, covered seven countries.

## Countries surveyed in 2010:

Belgium	BE
Italy	IT
France	FR
Germany	DE
Netherlands	NL
Spain	ES
United Kingdom	GB

## New countries surveyed in 2013:

Austria	AT
Bulgaria	BG
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Estonia	EE
Finland	FI
Greece	GR
Hungary	HU
Ireland	IE
Latvia	LV
Lithuania	LT
Malta	MT
Poland	PL
Portugal	PT
Romania	RO
Slovakia	SK
Slovenia	SI
Sweden	SE

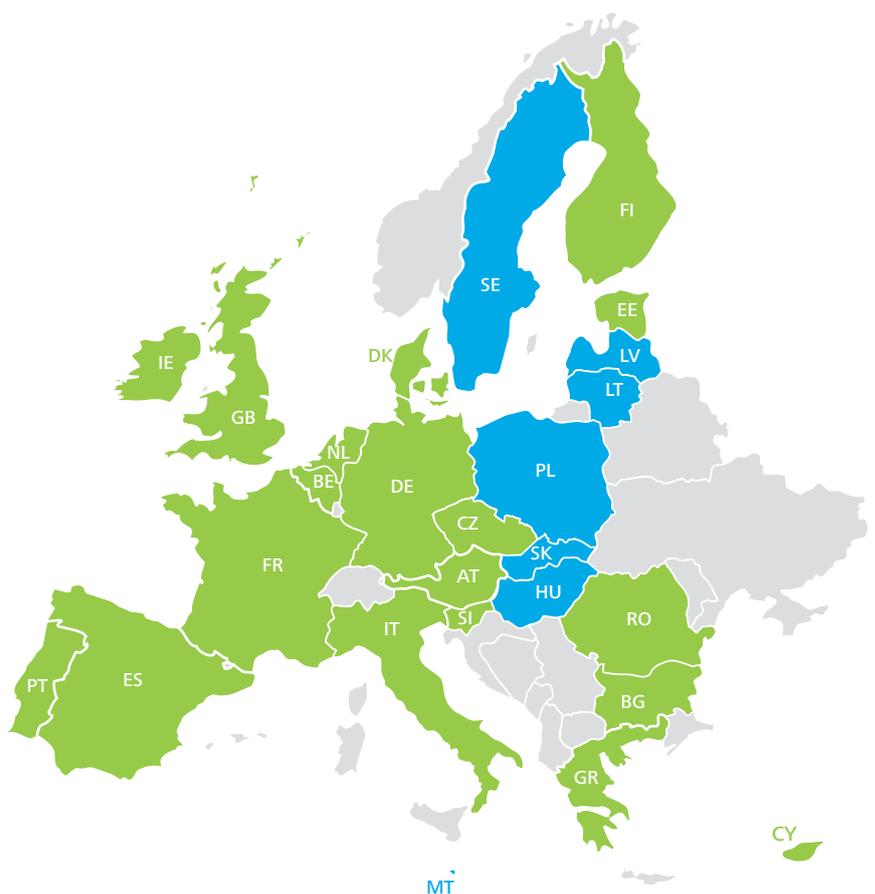
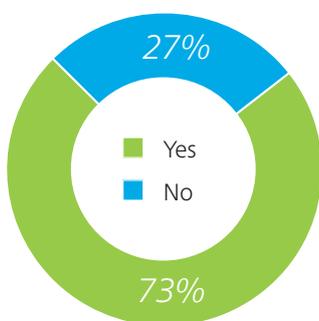
# Specific immigration schemes for highly skilled workers

## Qualification as highly skilled worker

Most European Member States have immigration legislation that offers a wide variety of immigration processes for various categories, such as trainees, highly skilled workers, seasonal workers, specialised technicians, etc.

We see that only Sweden and a number of the more recent EU members, such as Malta, Hungary, Latvia, Lithuania, Poland and Slovakia, do not have an immigration process that focuses on highly skilled workers. All other countries do.

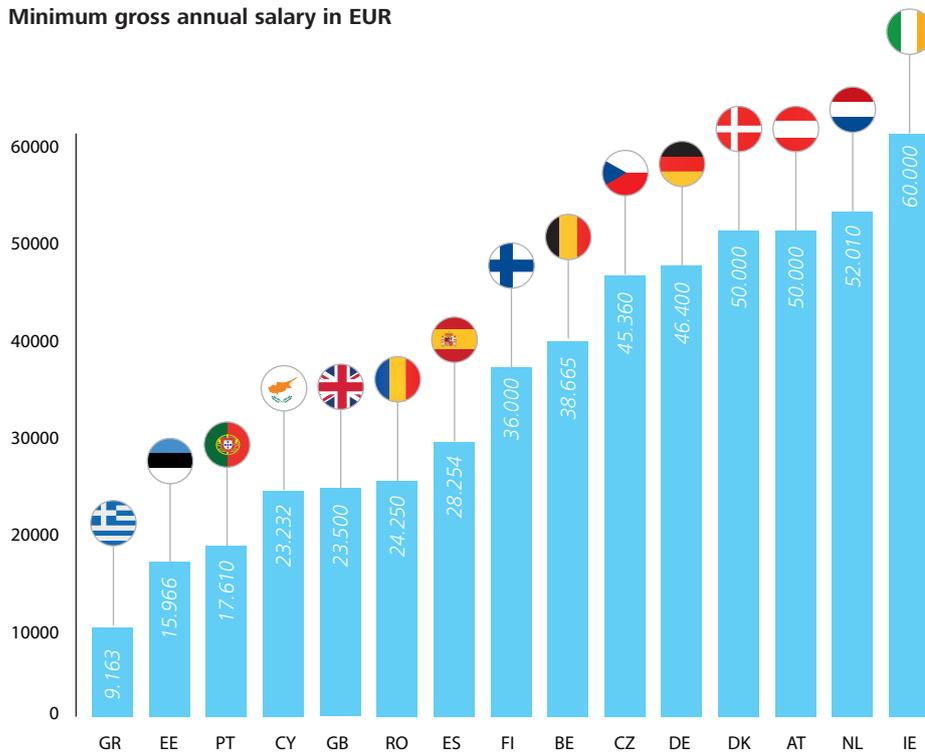
## Existence Process HQE



When looking at the immigration process for highly skilled workers, we see that they are mainly distinguished from other workers by the salary they must earn and qualifications they need to possess.

When comparing the salary requirements, we see that countries in Central and Eastern Europe generally apply lower salary thresholds, whereas in Western Europe the UK and Belgium apply the lowest.

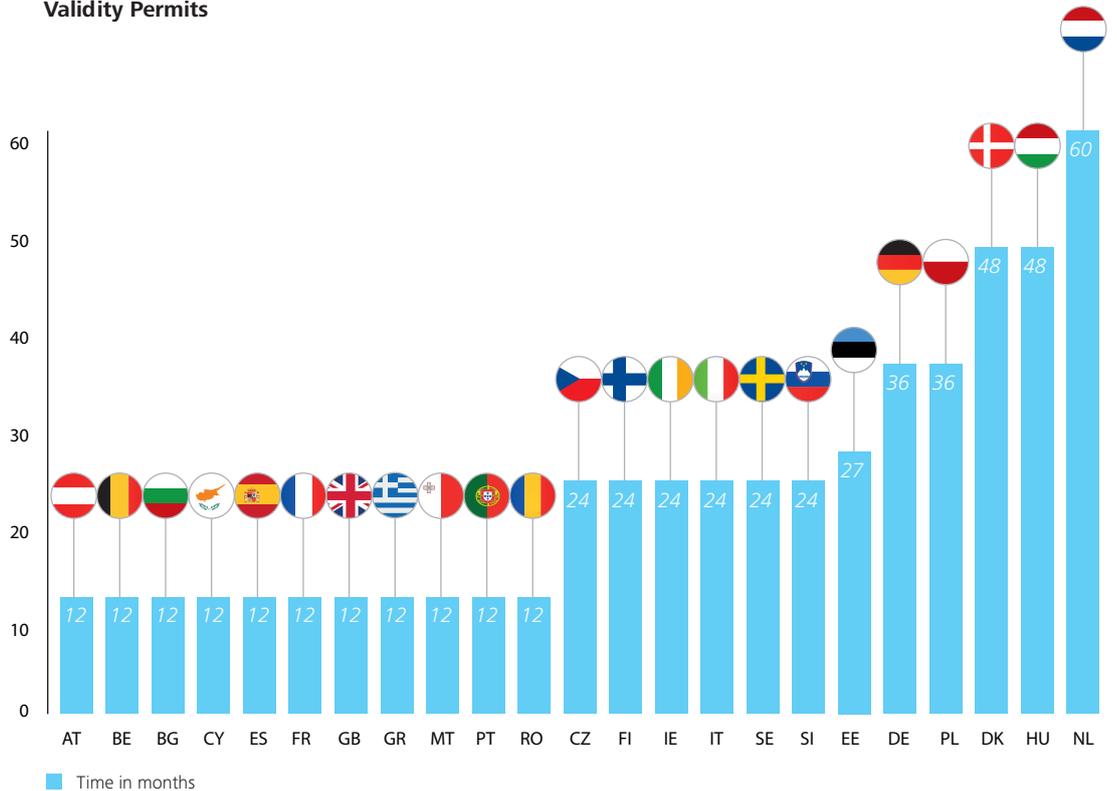
Minimum gross annual salary in EUR



Other conditions mostly relate to the seniority a foreign worker needs to have and the qualifications he or she must possess. Most countries require third-country nationals to have at least a bachelor's or master's degree in order to qualify as a highly skilled worker. In the immigration process, it is in most cases not the lack of a degree that poses problems, but having it properly legalised and translated, which adds to the overall processing time for obtaining the work permit or work visa.

Once issued, work visas or permits for highly skilled workers are usually valid for either 12 or 24 months, and can in most cases be extended. Such an extension can happen while the worker remains in the host country.

### Validity Permits

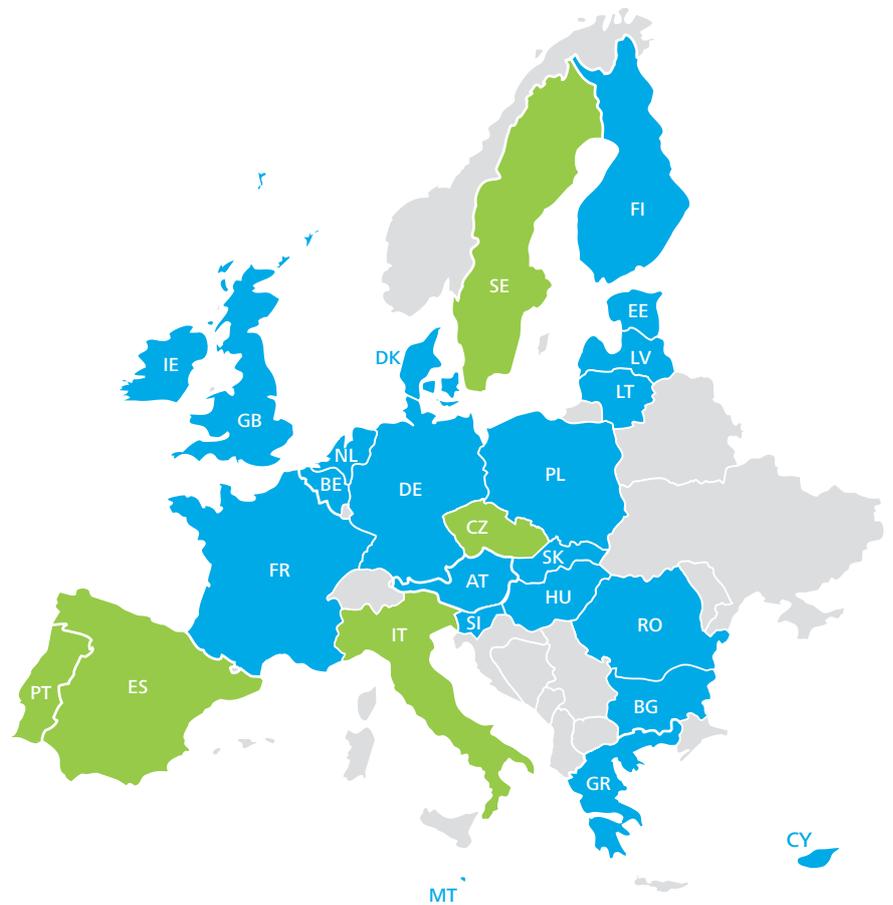
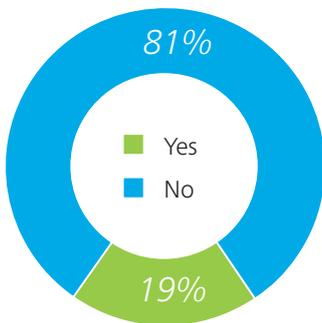


### Application process

In most countries the applications for a work permit or work visa can be done by the employer or an agent: usually a consultant, a law firm or a relocation agent.

Whereas several countries require immigration professionals to comply with certain rules, only in five countries must the process be managed by a specially-acknowledged service provider.

### Special Process Service Providers

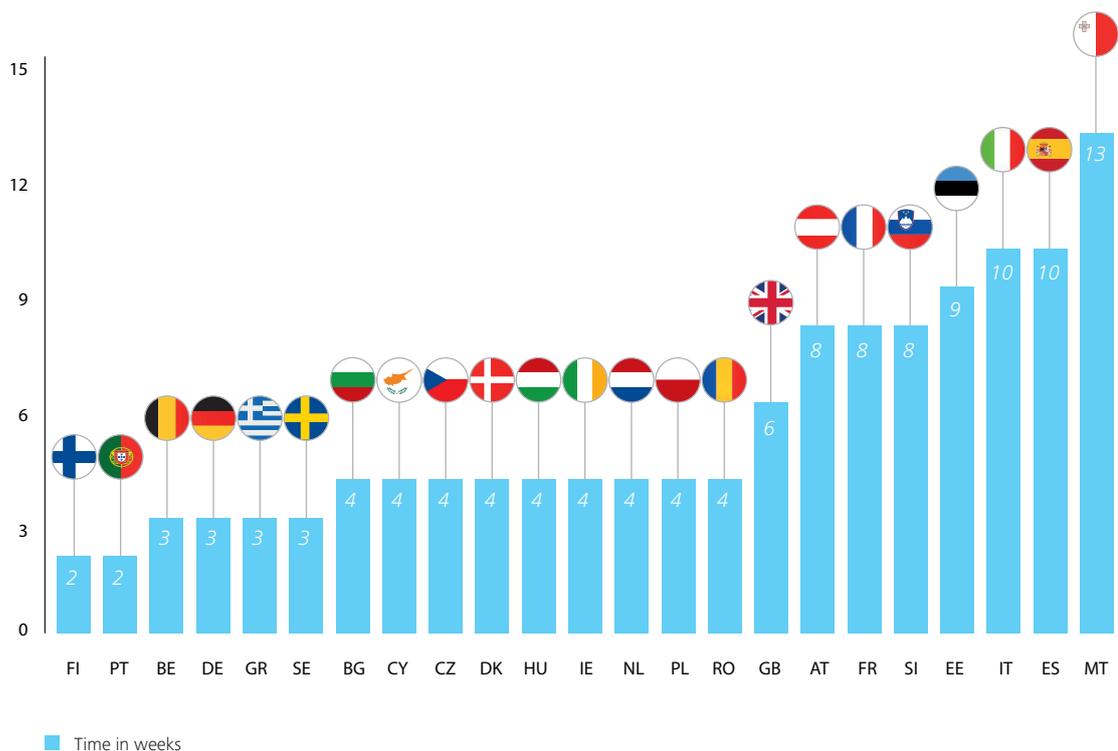


One of the most important aspects of the immigration process for highly skilled workers is the processing time. Nowadays international corporations want to have their workforce as mobile as possible, and timing is absolutely essential. This means having both a quick immigration process, from filing to receiving a work permit or visa, and a quick overall process, from the relocation decision to the first workday in the new country.

When looking at the processing time from when an application is filed to when the visa or permit is issued, we notice that many countries have succeeded in decreasing delays substantially over the last few years.

Fifteen countries manage to issue visas or permits within one month, Finland and Portugal being the quickest. Only four countries take more than two months.

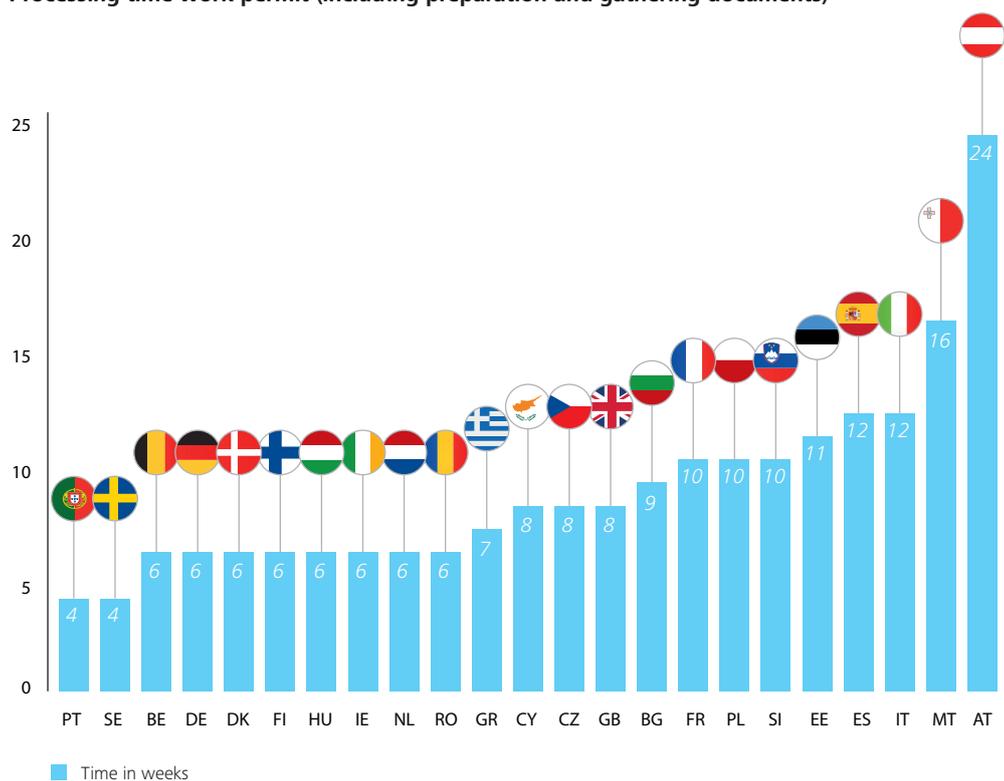
### Processing time (excluding preparatory work)



When looking at the overall processing time, which includes the time needed to gather, translate and legalise all required documents, we see that this period often doubles or triples, while usually remaining manageable.

Only when moving to Sweden or Portugal can the immigration process be managed within one month. For over half the countries, the process is still possible within two months. Austria and Malta do, however, require substantial planning beforehand, with respective processing times of 24 and 16 weeks.

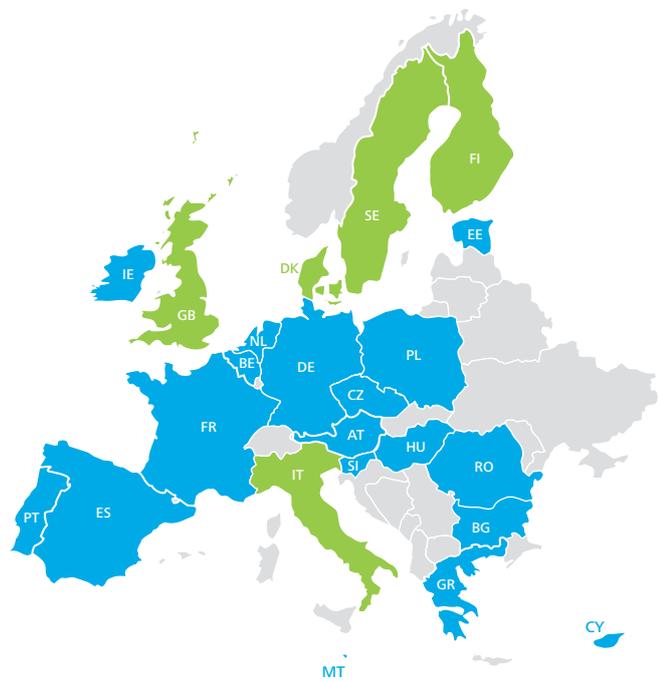
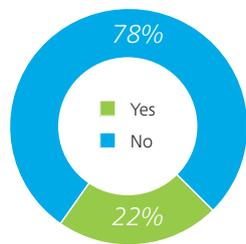
Processing time work permit (including preparation and gathering documents)



Processing times could be decreased by introducing online application for work permits or work visas, as we see, for example, in Canada and Australia. In certain European countries we also see a correlation between online application and processing times.

Sweden, Denmark and Finland are good examples of how online immigration systems can lead to faster and smoother procedures.

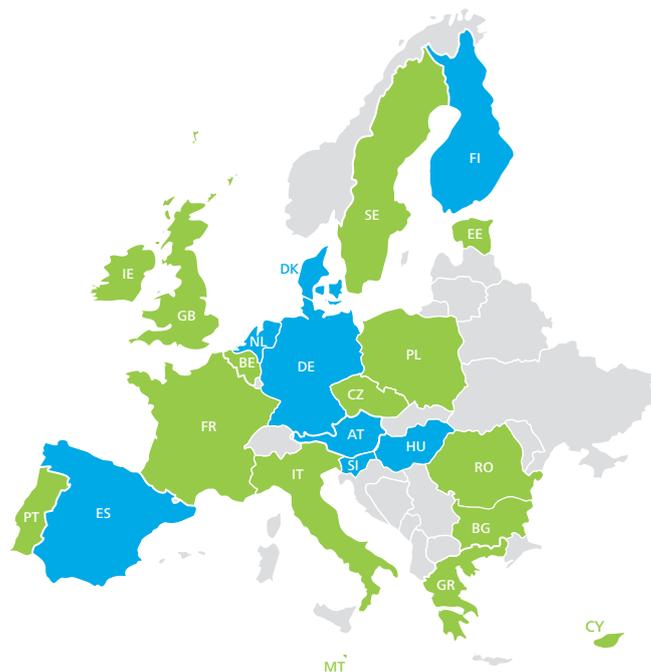
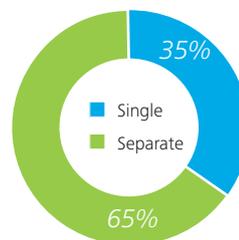
### Availability online application



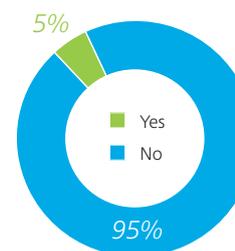
For most European countries a major difficulty with immigration is the multitude of documents needed. Whereas the USA requires only one document for a migrating worker (i.e. a visa stamped in a valid passport), many European countries require a work permit, an entry visa and a local ID card to identify their foreign highly skilled workers.

Soon to be implemented, the EU Single Permit Directive aims at simplifying administrative requirements for third-country nationals by enabling them to obtain work and residence permits in a single procedure. Yet 15 of the countries in the study still have separate processes applying to immigrant workers.

Single/Separate WP & Visa



### Availability Online Ap

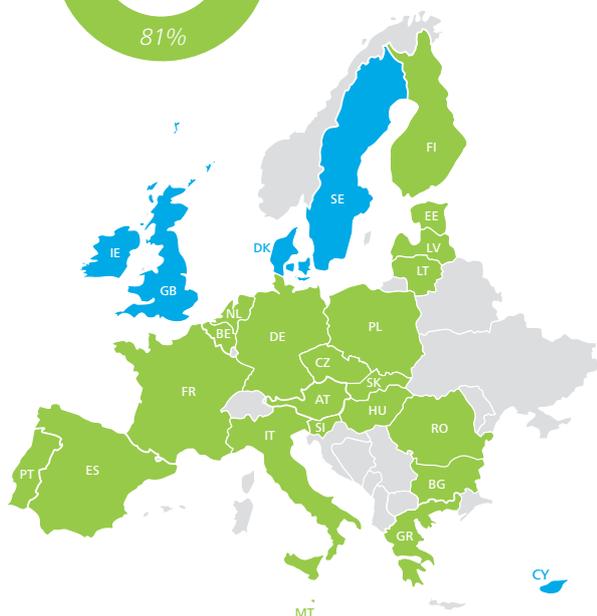
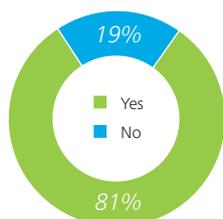


### EU Blue Card

We see that most EU countries have by now implemented the rules laid down in the Blue Card Directive 2009/50/EC, which was adopted by the Council of the European Union in 2009.

Only the UK, Ireland and Denmark have opted out of the Blue Card Directive. Cyprus and Sweden have yet to introduce it into their national regimes.

### Availability Blue Card



The Blue Card proposal presented by the European Commission offers a one-track procedure for non-EU citizens to apply for a work permit valid up to two-years, with renewal possibility thereafter. Those granted a Blue Card will receive access to the labour market, socioeconomic rights, favourable conditions for family reunification, and freer movement around the EU. For all countries that have adopted the Blue Card, we see that it coexists with prior national immigration rules for highly skilled workers.

To obtain a Blue Card one needs to comply with several conditions.

The applicant must have a (mostly local) work contract or binding job offer with a salary of at least 1.5 times the average gross annual salary paid in the Member State.

Furthermore, the Blue Card acquirer has to possess a valid travel document, a valid residence permit or national long-term visa, and documents proving a relevant higher professional qualification.

The Blue Card facilitates access to the labor market and entitles holders to socio-economic rights and favorable conditions for family reunification and movement around the EU.

Whereas the Directive forced the Member States to make sure their authorities would approve Blue Cards within three months after the initial application, we notice that processing times vary enormously, between two weeks (Finland) and 24 weeks (Austria).

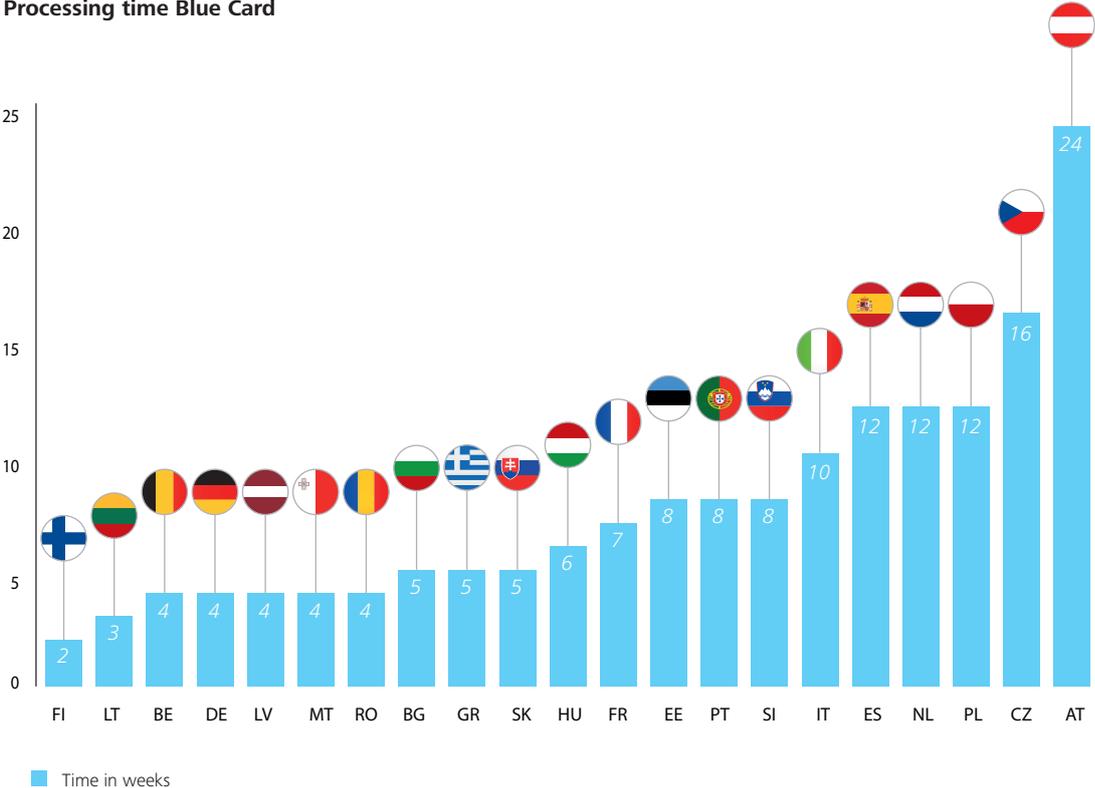
## Application Blue Card



Only one country (Italy) made it possible to apply for Blue Cards online

which may seem strange considering the successful attempts of nations outside Europe to create attractive online immigration systems.

## Processing time Blue Card



# Country overview



# Austria



**Austria introduced a new system for immigrants in July 2011. Replacing the previous quota-based model, it is a criteria-based system aimed at more flexible immigration for qualified third-country workers and their families who wish to settle in Austria.**

## Red-White-Red Card

The new immigration model (Red-White-Red or RWR Card) was implemented as part of the new Immigration Law Package. It is granted using a points-based system. RWR Card-holders gain the right of abode and labour market access. Points are awarded according to occupational qualifications, education, language skills, age, etc. If these criteria are satisfied, immigrants are allowed to settle and work in Austria.

## Highly qualified workers

Very highly qualified workers without an employer in Austria may apply for a visa for the purpose of searching for employment. This is done through the competent Austrian representation (embassy or consulate) in their country of residence. The Vienna Labour Market Service (AMS Wien) must first confirm to the foreign representation that the applicant achieves the minimum number of points required to be granted the visa: at least 70 out of 100. If successful, the person can search for a job in Austria for up to six months. If an appropriate job offer is found within this period (on a job-seeker visa), he or she receives an RWR Card for twelve months without further employment controls. The job should match the person's skills and qualifications and be adequately paid. The Austrian Labour Market Service verifies whether these criteria are fulfilled or not.

## Other key workers

Other key workers need to show they have been offered a job and have reached 50 out of a possible 75 points in order to be eligible for an RWR Card. They also require a confirmed income above a certain percentage of the monthly maximum stipulated under the social insurance law (ASVG maximum contribution, amounting to €4,230 gross in 2013). Applicants under the age of 30 must earn at least 50% of that level (€2,115), and workers over 30 must earn at least 60% (€2,538).

## EU Blue Card

The Blue Card entitles its holder to temporary settlement and employment with a certain employer and is valid for two years. To obtain a Blue Card the applicant must have completed a university course of minimum three years, and must have a binding employment offer matching the applicant's qualifications that pays 150% of the average yearly gross salary for a full-time employee (in 2013 at least €52,417.50).

## Red-White-Red Card Plus

The RWR Card Plus entitles its holder to settlement and unrestricted employment. Holders of a RWR Card Plus may change their employer at any time without needing to apply for a new permit.

Holders of an RWR Card may apply for an RWR Card Plus if they have been continuously employed in accordance with the admission requirements for at least ten of the preceding 12 months. Holders of a Blue Card may apply for an RWR Card Plus if they have been employed in accordance with the admission requirements for at least 21 of the preceding 24 months. Family members of RWR Card-holders and Blue Card-holders may apply for an RWR Card Plus from the beginning.

## Processing time

The work permit processing time in Austria depends on the region of the employment and whether the application was filed in Austria or abroad. From the time of submission, though, the authority should usually decide within eight weeks.

# Belgium



**Before foreign nationals are entitled to start working and residing in Belgium, they need to fulfil certain immigration formalities. The number and the kind depend on the nationality and employment situation of the foreign national. The current regulations (in effect since July 1999) state that any employer in Belgium wishing to employ someone from outside the European Economic Area (EEA) in the country must first apply for and obtain a work permit for that employee.**

There are different types of work permits available in Belgium:

- Work permit A is issued for an indefinite period and is valid for all employers on Belgian territory. Provided that all required conditions are met, it is granted to foreign nationals who can prove four years of working under work permit B, during a maximum, uninterrupted residence period of ten years.
- Work permit B is a temporary permit (valid for maximum 12 months but renewable) and is strictly limited to one employer.
- Work permit C is issued to specific categories of foreigners, such as students and refugees.

The employer in Belgium is responsible for the work permit B application. If the employer is not established in the country, an agent in Belgium should be appointed to apply on the agent's behalf.

In general, work permissions are only issued if it is absolutely impossible to find a suitable local employee on the labour market within a reasonable time. In addition, such permissions are only issued to nationals of countries that have signed international employment treaties.

However, these rules do not apply to those who can be considered as, for example, highly qualified employees. Special provisions and an easier process exist for this group, provided that their yearly gross salary exceeds €38,665 (indexed amount for 2013) and that they possess at least a bachelor's degree. Work permits for highly qualified employees are issued for a period of one year and can be extended annually.

The work permit processing time depends on the region of the employment and is generally between two and three weeks.

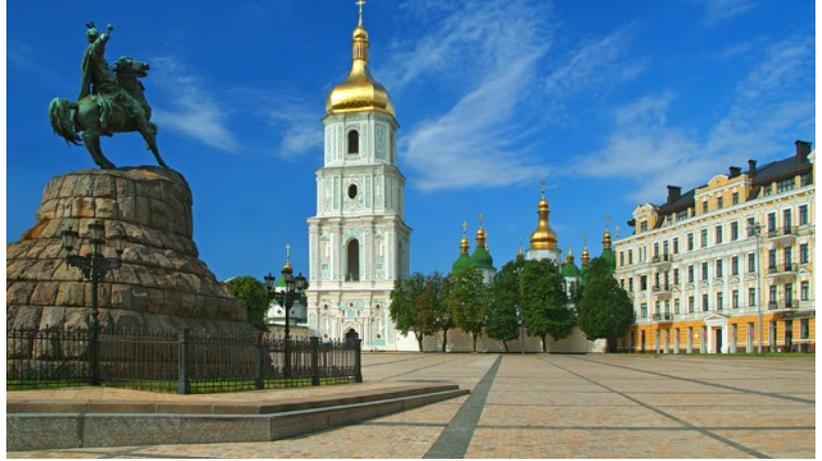
Once in possession of a work permit, the foreign national must apply for a visa with the Belgian consular authorities in his or her country of residence. Even when foreign nationals don't require a visa to travel to Belgium, we always recommend applying for one.

For a stay of less than 90 days in Belgium a visa type C is usually required. For a longer stay a visa type D should be applied for.

Once in Belgium, the foreign national must go to the town hall of the municipality where he or she will be living and report his place of residence to the city authorities of (principally within eight days after his arrival) in order to be inscribed in the register of foreigners of the commune and obtain a residence card (a so-called Belgian electronic ID card).

The residence card is in principle valid for a period of 12 months and can be renewed each year on the basis of an extended work permit.

# Bulgaria



**In order to work and reside legally in Bulgaria, third-country nationals (non-EU, EEA and Swiss) need to complete certain immigration procedures. These depend on the nationality and the assignment structure chosen. The current regulations (effective since December 1998) stipulate that any employer that wishes to hire a third-country national in Bulgaria has to apply for and obtain a Bulgarian work permit in the name of the employee.**

Generally, work permits are issued following a market test to confirm there are no other candidates with the necessary competence to hold the respective position. (Other candidates include Bulgarian, EU, EEA or Swiss nationals, or third-country nationals with Bulgarian long-term or permanent residence permits.)

However, these rules do not apply to the following two categories of highly qualified employees:

- Senior management personnel on intra-company transfer, i.e. a transfer from a mother company to a Bulgarian subsidiary; or a transfer between two subsidiaries of a mother company, where one is located in Bulgaria.
- Employees with special knowledge and skills, transferred within a foreign company to a Bulgarian subsidiary.

In both of the above cases the work permit is issued for a maximum term of 12 months and may be renewed. The employees may sign a Bulgarian employment contract and no market test is required.

In the case of a secondment under inter-company agreement (no Bulgarian employment contract) – the work permit is issued for a maximum term of 12 months, but may not be renewed, except for certain very limited cases of force majeure.

The Bulgarian employer/host company (in the cases of secondment) is responsible for engaging the individual with the appropriate permit. The permission to employ a third-country national is issued in a special format of a personal document.

There are special provisions for highly qualified employees under the EU Blue Card Directive, implemented in Bulgaria in June 2011. It allows for a relatively faster process for highly qualified employees provided that their minimum gross annual salary is 1.5 times higher than the average Bulgarian working salary during the 12 months directly preceding the signing of the employment contract. In addition, the applicant must possess a university degree or higher education with a minimum course of study of three years. Work authorisations for highly qualified employees are issued for a period of one year and may be renewed on an annual basis.

The work permit processing time depends on the type of employment. Generally it is one month for work permits and 15 days for Blue Card work authorisations.

Once the third-country national receives the work permit/work authorisation, he or she has to apply for a long-term (immigration) visa D at a Bulgarian embassy or consulate located in his or her home country. There is no exception to this requirement.

Third-country nationals with a visa-less stay in Bulgaria (depending on the nationality) or holding valid Schengen visas/residence permits, may enter and reside in Bulgaria for a short period of 90 days, within six months of the date of first entry. Otherwise, a Bulgarian entry visa is required.

Once the third-country national arrives in Bulgaria, his or her address of residence should be registered with the immigration office. Such registrations have to be carried out upon each entry of the individual into the country, until he or she obtains a Bulgarian residence permit.

When the third-country national obtains a long-term visa D, he or she may apply for a Bulgarian prolonged residence permit at the immigration office closest to his or her place of residence in Bulgaria. The prolonged residence permit is valid for a maximum of one year and may be renewed annually on the basis of an extended work permit/work authorisation.

# Cyprus



**When moving to Cyprus for employment, non-EU citizens (third-country nationals) should apply in advance with the migration authorities in Cyprus for a work and residence permit. Upon registration with the authorities, an entry permit will be issued to the individual. The entry permit is valid for three months from the date of arrival.**

Following arrival in Cyprus, the individual is required to then obtain a temporary work and residence permit. This permit (known as the “pink slip”) is usually valid for one year. It is possible to renew a temporary work and residence permit by submitting the required documents two months before the permit’s expiration date.

For executive staff there are no restrictions regarding the duration of residence in Cyprus. Executives are defined by their annual salary: executive directors €46,464 minimum, middle managers between €46,464 and €23,232. The amounts are periodically reviewed.

## Eligibility of the company

A company based in Cyprus (company of foreign interest) wishing to employ a non-EU citizen for the first time should apply to become an eligible employer of third-country nationals. In practice, this one-time procedure can be done in parallel with submitting the first applications for work and residence permits for the individual. All companies with non-resident shareholders are entitled to employ non-EU citizens or professional staff if specific requirements are fulfilled.

## Visiting Cyprus

Non-EU citizens can enter Cyprus for a short period with a visitor’s visa, i.e. single-entry visa or a multiple-entry visa.

A visitor’s visa is usually obtained for tourism purposes or for short business trips. A multiple-entry visa authorises several visits to Cyprus. The total duration of all visits under a single-entry or multiple-entry visa should not exceed 90 days in any six months, starting from the date of first entry.

To obtain a multiple-entry visa an individual can first visit Cyprus on a single-entry visa and then apply for the former at the Cyprus embassy located in their country of origin.

## Permanent residence permits

A non-EU citizen who wishes to obtain a permanent residence permit in Cyprus requires an immigration permit. This covers self-employment or permanent employment in Cyprus, under the following categories:

Immigration permit - Category C (self-employment)

For those who intend to undertake self-employment in a trade or profession in Cyprus, meeting the following conditions:

- The Immigration Control Board determines that such an undertaking should not adversely affect the general economy of Cyprus.
- The individual possesses a relevant permit or license to undertake the trade or profession as required under Cypriot law.
- The individual has fully and freely at their disposal capital of approximately €260,000.

Immigration permit - Category D (self-employment)

For those with the relevant academic or professional qualifications who intend to undertake self-employment in a profession or science in Cyprus for which there is demand in Cyprus, as determined by the Immigration Control Board. Those applying must have at their disposal adequate funds, an amount determined by the Immigration Control Board.

Immigration permit - Category E (permanent employment)

For those who have been offered permanent employment in Cyprus that will not create undue local competition.

# Czech Republic



**In general, foreigners from non-EU countries can only be employed in positions that cannot be staffed by Czech or EU nationals. Non-EU foreigners have to obtain a work permit for their work performance and corresponding short- and long-term visas. Therefore, when a Czech employer intends to employ a non-EU national, the vacant position needs to first be announced at the respective Labour Office. The Labour Office examines whether there are no suitable candidates (Czech or EU nationals) in the Czech labour market. Provided that none are found, a foreigner who fulfils the stated requirements for the vacant position may be hired.**

The processing time of a work permit application is generally 30 days and can be extended by the Labour Office to up to 60 days. Once the work permit is issued, it is only valid once a short- or long-term visa based on the work permit is issued by the Embassy of the Czech Republic.

The short-term visa application can be submitted once the work permit is issued. The processing time is around 7-14 days. The long-term visa application can be submitted once the work permit application is lodged with the Labour Office. The processing time is usually 90-120 days.

Within three days of their arrival in the Czech Republic with their short- or long-term visa, foreigners should personally visit the local foreign police where the visa must be registered.

Next to this standard procedure, there are three specific procedures for highly qualified employees:

## **Green Card – type A**

This dual permit allows key personnel with a university education to live and work in the Czech Republic. The green card is issued for a specific position and employee. The minimum legal monthly gross salary is required. This permit is valid only for a select number of non-EU countries. However, it will be abolished in 2014 when the new act on foreigner's stays in the Czech Republic comes into effect. The processing time to obtain this permit is up to 120 days.

## **Blue Card**

The EU Blue Card gives non-EU nationals with higher education smoother access to the Czech and European labour market. This permit is valid for all non-EU countries. Besides the standard documents, the employment contract is the most important requirement for the Blue Card application and should be concluded before the application is submitted. The employment contract has to guarantee the job position for at least one year at a salary of at least 1.5 times the average gross annual salary in the Czech Republic (currently €17,235). The processing time is up to 120 days.

## **Accelerated Procedure for Intra-Corporate Project Transferees of Foreign Investors ("fast track")**

This permit is aimed at intra-corporate transferees (non-EU nationals) seconded from a foreign entity to its Czech branch. The whole process of obtaining the work permit and long-term visa should take up to 30 days from the submission of the work permit application.

The main criteria for registering a company for this permit type are as follows:

- The company should have at least 1,000 employees globally, including at least 250 in the Czech Republic.
- The company must have all commitments to the Czech Republic settled (no unpaid taxes, no debts for social security and health insurance, etc.)
- Annual turnover of at least of CZK 250 million.

There are additional criteria connected to specific fields of business that should be consulted individually.

# Denmark



**In Denmark, non-EU citizens are required to hold a residence and work permit. People who have been offered a highly paid job have particularly easy access to the Danish labour market under the Pay Limit Scheme. There are no specific requirements with regards to education, field or the specific nature of the job.**

To qualify for this scheme, the job must have a gross annual pay of no less than DKK 375,000 (€50,000). There must be a written job contract that specifies salary and employment conditions. Salary and employment conditions (notice and holiday) must correspond to Danish standards.

The residence and work permit is valid for a maximum of four years, for a particular job with a particular employer. Hence, if individuals find a new job while working, they must apply for a new residence and work permit. However, they may begin the new job before receiving their new permit, provided that submit their application no later than the first day of the new job.

Residence permits can only be granted or extended for a period up to three months before passport expiration. This means that if the passport expires in 12 months, a permit can only be granted or extended by nine months.

One-month residence permits can be issued prior to the first day of work if individuals declare that they are able to support themselves and any accompanying family members for the entire month before beginning work. Otherwise, their residence permits will be valid 14 days before their first day of work.

In case of residence and work permit expiration, individuals can apply for an extension. This requires that they are still in the same job with the same terms and conditions as when they were granted their original permit. They may stay in Denmark and continue working while their application is being processed. Their permit can be extended even if the official pay limit has risen and their annual pay is under the new limit, provided that they are still in the same job with the same terms and conditions.

For those holding a residence and work permit under the Pay Limit Scheme, spouses, registered partners or cohabiting partners, as well as any children under the age of 18 who are living at home, are also eligible for residence permits. A spouse or registered partner is allowed to work full-time for the entire period his or her permit is valid. A cohabiting partner has the same right, provided that a minimum of 18 months of cohabitation can be proved.

All non-EU citizens over the age of 18 applying for residence permits must have their biometric features (facial image and fingerprints) recorded when submitting their application. (Children under six will not be fingerprinted.) Biometric features will also be recorded when applying to renew a residence permit and applying for permanent residence.

Once the application has been submitted, within two weeks applicants must have their biometric features recorded. The subsequent processing time is currently about 30 days. A biometric residence card, which includes the holder's photo and fingerprints stored on an embedded microchip, will be issued once the application is approved.

# Estonia



Foreign employment in Estonia is ruled by the Aliens Act. Its application varies depending on the length of employment.

## Short-term employment

A foreigner who may legally stay in Estonia, whose employment has been registered with the police and Border Guard Board before work starts, and whose term of employment does not exceed six months during a year may be permitted to work in Estonia by registering a short-term employment. For example, an expert, adviser or consultant may register a short-term employment. A foreigner must have appropriate documents certifying professional qualifications when registering.

For a short-term employment registration, the employer is obliged to pay the foreign employee a remuneration equal to at least the average gross monthly salary of the main activity of the employer during the year (last published by Statistics Estonia), but not less than the annual average gross monthly salary in Estonia (last published by Statistics Estonia), multiplied by 1.24.

The police and Border Guard decide on the registration of short-term employment within ten days of the submission of the application and other necessary documents. Once the authorities have issued a positive decision for short-term employment, the employee must apply for a visa (formalised as a long-stay visa).

## Long-term employment

For longer-term employment a residence permit is needed. These are either temporary or long-term. First a temporary residence permit for employment must be applied for. It is issued for a period of guaranteed employment in Estonia with a validity of up to two years with extension up to five years. The residence permit grants the right to be employed in Estonia only by the employer, in the same position and with the same terms as stated in the residence permit.

When submitting an application for a temporary residence permit for employment, the applicant must go in person to an Estonian embassy or consulate. In certain exceptional circumstances one may submit an application at a Service Office of the Citizenship and Migration Bureau in Estonia. These include when holding a long-term residence permit of another EU Member State, when staying in Estonia on a legal basis and applying for an EU Blue Card, or when holding a Blue Card issued by another EU Member State while applying for a Blue Card in Estonia.

The granting or refusal of a temporary residence permit will be decided within two months of the acceptance of the application. If granted, a residence card will be issued to the applicant within 30 days by the foreign representation of Estonia or by the Service Office stated on the application form.

If the immigration authorities issue a positive decision, the foreigner will receive a residence card. This is a mandatory identity document for those residing permanently in Estonia on the basis of a valid residence permit.

When employing an expert, adviser or consultant, a temporary residence permit for employment may be issued if the salary criterion is met (annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by 1.24).

Upon arrival in Estonia with the residence permit, the foreigner is required to register his or her place of residence in the Population Register within one month. The residence in Estonia must be registered during the whole period of the residence permit.

# Finland



**Non-EU citizens intending to work in Finland need to obtain a residence permit. It can be issued on the basis of either temporary or longer-term employment.**

The first requirement is that there is an available job in Finland. This is usually proven with a valid employment contract, confirming that the employer will definitely employ the individual in question.

Usually, permits are first issued for a maximum of a year. However, if the employee has a fixed-term employment contract the permit can be issued for up to two years. Extensions are possible. After two years' continuous stay in Finland, a new residence permit can be granted for four years. Permits for family members are valid for the same time period as the employee's permit. After a four-year extension a permanent residence permit can be issued, assuming that the preconditions for working in Finland still exist.

The first residence permit for employment must be applied for personally at a Finnish embassy abroad. The Finnish Immigration Service grants the permit. However, extension permits are issued by the police.

For someone employed as a specialist or on secondment, under specific circumstances a residence permit is not required. The employment must be based on an invitation or contract; the duration of the job is maximum three months; the person comes from a country for which a visa is not needed to enter Finland; or the person has a valid visa (or a Schengen resident permit granted by another country, which allows the person to reside in Finland).

Highly qualified employees may apply for a residence permit through an accelerated procedure. Requirements include a demanding job, university qualifications and an annual gross salary of at least €36,000. These permits are valid only for the specific position for which they have been issued.

The EU Blue Card residence permit, covering highly qualified employees from non-EU countries, was recognised in Finland on 1 January 2012. The requirements include an employment contract in Finland of minimum one year, an annual minimum gross salary of €56,004 and a higher education degree. The Blue Card is granted for a maximum period of two years. It entitles the employee to work only in the specific position for which the card has been issued.

# France



**A non-EU national wishing to work and reside in France must possess a work authorisation and a residence permit. There are three application categories:**

- Temporary status: an intra-company transferee in France for a limited period, who performs an activity based on providing services (salarié en mission).
- Permanent status: a local hire with a French employment contract. The job offer must be posted to the unemployment agency, and when submitting the immigration application the company must justify that no suitable candidate is available in France.
- Special provisions (EU Blue Card) exist for highly qualified employees.

Requests for temporary work and residence permits must be submitted by the French host company to the relevant Department Labour Office (DIRECCTE). Once approved, the application is sent to the OFII (Office Français de l'Immigration et de l'Intégration). It is then forwarded to the appropriate French consulate. The employee must then apply for a long-term visa (also for family members) at the French consulate in the country of residence.

Within two weeks after arrival in France the employee should apply for a residence permit with the French police. This is normally issued for a period of one year and is renewable. However, for the status of "salarié en mission", a residence permit for three years is issued and is renewable once. Note that upon arrival in France the employee and his or her family members are obliged to undergo a medical examination by a doctor approved by the OFII.

The work/residence permit application procedure for permanent status is practically the same as above, except for a few differences:

- The residence permit is only valid for one year and can be renewed every year.
- Long-term employees will be granted only one permit, serving as both work and residence permit.
- Long-term assignees must sign a French employment contract with the company in France.

The processing time for a work permit is six to eight weeks. Upon arrival in France the OFII medical exam and the application for a residence permit take approximately one to two months.

Highly qualified employees can also apply for the Blue Card. The applicant must have the following:

- An employment contract with the company in France for minimum 12 months (It can be a "CDI" or a contract for minimum 12 months)
- A diploma for three years of university studies, or five years of professional experience in the same kind of employment
- Remuneration above €52,725 (for 2013)

With a Blue Card it is not necessary to post the job at the unemployment agency or justify that no suitable candidate is available in France.

A three-year, renewable residence permit can be issued for a permanent employment contract. A one-year residence permit can be issued for an employment contract of 12 months.

The processing time to obtain a work permit is six to eight weeks.

# Germany

## Entry visa requirements

EU and EEA nationals and citizens of some countries (for example USA, Canada, Japan, Australia, New Zealand, Israel and South Korea) may enter Germany without a visa. Nationals of other countries must apply for a visa at the German embassy or consulate in their country of residence before traveling to Germany to work. As German local authorities are involved in the application process it can take up to eight weeks.

## General immigration regulations

Non-EU citizens must possess a residence permit (in the form of an electronic residence card) allowing them to work in Germany. The issuing authority is the local immigration office of the district or city where the applicant will reside (not where the employer is located).

Residence permits allowing work are generally issued for a specific job, employer, location and place of work – not for employment in general. If any of these job conditions change it will be necessary to ask for an amendment to the existing permit.

In general, the immigration authority examines the following items – where appropriate with the involvement of the labour authority (One-Stop Government):

- If the activity of the foreign employee disadvantages the local labour market
- If there are German or EU nationals available in Germany who can fill the same position (priority check)
- If the employment conditions offered to the foreign employee (compensation, working time and vacation) are comparable to those of German employees



## EU Blue Card

The EU Blue Card is a temporary work permit. It requires a university degree or equivalent qualification attested by a minimum of five years' professional experience, and proof of a specific employment offer with a minimum annual gross salary of €46,400 (for 2013). For shortage occupations (doctors, IT professionals, mathematicians, engineers, etc.) the minimum annual salary is €36,192 (in 2013). In these cases the time-consuming priority check is not required.

Blue Cardholders can receive a permanent residence permit after 33 months. If a certain level of German language skills (level B1) can be proven, this period is shortened to 21 months. Accompanying spouses are entitled to work in Germany without undergoing the formal application procedures.

# Greece



**To get a long-term work permit for a highly qualified employee in Greece under the country's "Immigration Law" (Law 3386/2005), these formalities need to be followed.**

There are four main visa/work permit types:

- For employment services or provision of services (Article 15)
- For high-rank employees – highly qualified scientific personnel (Article 17)
- Temporary assignment for the provision of specific services (Article 18)
- Temporary assignment for the provision of specific services by specialised technical personnel (Article 19)

The appropriate visa/work permit for a highly qualified employee or a specialised technician may be the Article 17 or 19 types. It depends on the specific conditions and the exact position/role the employee will have in the company. The visa type D that will be issued should indicate the relevant article number.

Before the employee is entitled to work and reside in Greece, he or she should submit a visa application to the Greek embassy in his or her home country, along with the necessary documentation required by the Immigration Law. The embassy may require the employee to attend a personal interview. Provided that the documentation is complete it normally takes two to three weeks to issue the visa.

## Article 17

As soon as the visa type D is issued, the employee can enter Greece and then file a residence permit application with the Ministry of Interior. The required documents are exactly the same as for the visa application. The work permit is initially issued for one year and can be extended for two more years.

The Immigration Law requires that there are no Greek or EU/third-country citizens residing in Greece who have similar capabilities that come through this specialised knowledge. This must be certified by the Greek Manpower Employment Organisation. Degrees/diplomas must be furnished to prove the employee has the special knowledge.

## Article 19

The employee/employer applies for the work permit with the correction documentation to the competent municipality where the local company is established. The initial duration is six months. A six-month extension is possible for specific and important reasons.

There must be a supply contract between the third-country company and the Greek one. It should cover the specific services for installing, testing, operating and maintaining of supplied goods; the job period, number and specialties of employees; and an undertaking of costs for accommodation, medical care and repatriation.

The processing time for both types of work permits is three or four weeks, provided that the Greek immigration authorities do not request any additional information or documentation.

# Hungary



## The immigration process in Hungary has two steps: a work permit application and a residence permit application.

All non-EU citizens need a work permit to be employed in Hungary. A company may recruit a foreign citizen only if there is no suitable applicant for the vacancy on the local or European labour markets. The processing time for a work permit is four to six weeks. It is valid for no more than two years but can be renewed regularly. Once a work permit is granted, the employee will be able to apply for a residence permit, which takes an additional six to eight weeks.

Non-EU citizens who invest at least €250,000 in a governmental bond for five years may receive a permanent residence permit without a work permit.

On 1 August 2011 Hungary implemented the EU Blue Card scheme into its immigration legislation. The Blue Card may be issued to applicants who possess higher professional qualifications and meet labour and immigration standards. (These are mostly issued to scientists, university professors, etc.) To be eligible for a Blue Card, applicants must have a valid working contract or a binding job offer for highly qualified employment.

An EU Blue Card is valid for a maximum of four years, with a four-year extension possible. The minimum salary levels for each position cannot be lower than 1.5 times the 2013 average national gross wages specified in separate legislation (Hungarian Standard Classification of Occupations) and determined by the Central Statistical Office.

The EU Blue Card has several advantages for both the employer and employee:

- The Blue Card combines work and residence permission.
- For the first two years the cardholder may only be employed in the Member State where the Blue Card was issued. But after this period the holder may move to another Member State with the purpose of highly qualified employment.
- The processing time of the immigration procedure may be reduced to four to five weeks.

# Ireland



All non-EEA nationals require a work permit to enter employment unless they already have "Stamp 4" residency. Either the employer or employee may apply for a work permit. Turkish citizens enjoy preferential access compared to other non-EEA citizens.

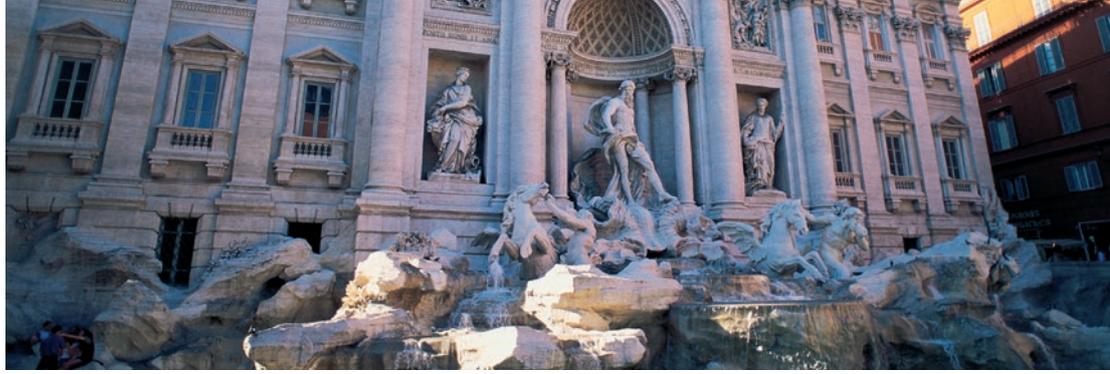
There are different types of work permits available in Ireland:

- Green Card issued for up to two years for highly skilled occupations
- Work Permit issued for up to two years and subject to a labour market needs test
- Intra-Company Transfer work permit
- Van der Elst visa
- Student visa permitting up to 20 hours work per week
- Contract service provider (employer is outside the state)

The application for a visa must always be made from abroad. Nationals requiring visas must obtain them after the work permit is issued and before entering the country. Nationals who don't require visas must obtain a temporary permission upon arrival in Ireland.

After receiving a work permit and visa, local registration should be completed in person at the local immigration office.

# Italy



## **Non-EU citizens wishing to working in Italy must obtain a work permit (Nulla Osta) issued by the Italian immigration authorities.**

As a general rule the Nulla Osta is granted to eligible foreigners based on a quota system:

- A yearly quota limits seasonal workers, employees directly hired by Italian companies, and people performing autonomous activities, such as self-employed professionals, merchants, artisans, and partners and consultants in Italian firms.
- Some kinds of workers, such as managers and highly skilled staff seconded from a foreign company, are not limited by quotas.

The rules for highly qualified employees are mainly established by Italian immigration law (Legislative Decree 286/1998).

### **Intra-company transfer**

In this procedure the foreign worker can be transferred from the foreign parent company to an Italian affiliate. This applies to skilled, highly qualified personnel or managers, who have been performing the same kind of working activity for at least six months before the transfer. The work authorisation and permit are issued for a maximum of 24 months and can be renewed up to five years. At the end of the secondment the employee can be hired locally in Italy.

### **Qualified workers performing specific tasks**

This procedure allows companies or entities operating in Italy to transfer highly qualified workers into Italy for a determined period in order to carry out a specific task or activity. The work authorisation and permit are issued for a maximum of 24 months and can be renewed up to four years.

There is a further option available for highly qualified employees that, though seconded, will perform an autonomous activity, such as directors or legal representatives of an Italian company (art. 37, paragraph 22 of Decree 334/2004).

The application for the Nulla Osta is submitted online through the Ministry of Interior website (except for autonomous workers) in the name of an Italian sponsoring company. The company commits itself to paying the same compensation as a comparable Italian employee according to the kind of working activity and level of

qualification. The immigration authorities should issue the relevant work permit within 40 to 60 days.

Once in possession of the Nulla Osta, the foreigner must apply for an entry visa at the Italian embassy or consulate in either the home country or last country of residence.

Within eight days of arrival in Italy, the foreigner must visit the immigration authorities and sign a contract summarising the terms and conditions of the job, and an integration agreement (for stays longer than one year) committing him or her to learning Italian and acquiring basic notions of Italian civic life. He or she will also receive the residence permit application form, which must be submitted at the post office. The foreigner will have to visit the local immigration office twice to get fingerprinted and pick up the residence permit, which will last for the period established by the Nulla Osta. It takes two to three months to receive the permit. The foreigner must also register at the local town hall.

Upon its expiry, the residence permit can be renewed on the basis of an extended work permit with the same validity as the former one.

# Latvia

**Prior to starting professional activities in Latvia, every foreigner should comply with the relevant immigration formalities, based on nationality, country of residence, qualifications and terms of employment.**

If the foreigner's employment is related to short-term or occasional residence in Latvia, not exceeding 90 days within half a year, the foreigner must have a visa and a work permit. This also applies to foreigners who do not need a visa for entering Latvia. If the employment is related to regular residence in Latvia, exceeding 90 days within half a year, he or she must have a temporary residence permit and a work permit.

The employer in Latvia is responsible for requesting the right to employ a foreign citizen and for applying for a work permit. If the employer is not established in Latvia, an agent in Latvia should be appointed to take care of the application formalities on its behalf.

There are two types of visas for entry and residence for employment purposes: C type (up to 90 days) and D type (more than 90 days). The requirements are as follows:

- The employer must publish the vacancy at least one month beforehand.
- The employee must have a work permit issued by the Office of Citizenship and Migration Affairs of the Republic of Latvia (OCMA).
- The foreigner should present the OCMA with a reference letter from the employer or educational establishment, documents certifying availability of accommodation, a valid passport or other travel document, documents indicating the purpose of the journey, a current bank statement, a copy of documents attesting work experience, and a copy of the employer registration certificate.

To receive the work permit, additional documents are needed, including an original medical certificate and passport photograph, documents proving education and professional authorisation, degree certificates, and a reference letter from the employer. Foreign certificates must be legalised. A translation is also required for documents not in Latvian. It is not possible to apply online. The work permit processing time depends on the amount of state tax paid (30 days €100; 10 days €245; 5 days €316).

Latvia also acknowledges the EU Blue Card system, allowing highly qualified employees from third countries to enter and reside in Latvia. The employer does not need to publish a job vacancy, and the Blue Card provides other privileges in the country of residence.



# Lithuania

**Highly qualified non-EU foreigners intending to work and reside in Lithuania are subject to certain immigration requirements. These include obtaining a temporary residence permit and/or a work permit, declaring a place of residence in Lithuania, etc.**

As a general rule, a foreigner intending to reside in Lithuania for employment must obtain a work permit. However, a work permit is not required if a foreigner is:

- A managing director of Lithuanian company with a share capital not less than LTL 50,000 (about €14,480)
- A managing director of a self-established company in Lithuania
- The owner of a Lithuanian company with a share capital not less than LTL 50,000, and his or her presence in Lithuania is necessary for company operations

In these cases a third-country national is required to obtain a temporary residence permit in accordance with the general (non-simplified) procedure. This usually takes up to six months after submitting the necessary documents to the respective state authorities.

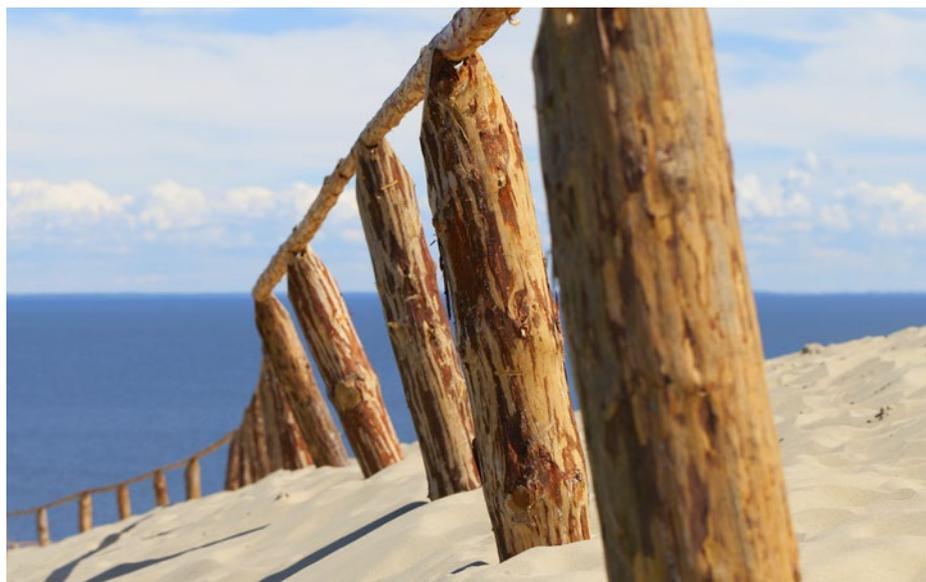
Upon adoption of the new wording of Law on Legal Status of Foreigners of Lithuania effective from 1 January 2013 (hereinafter – the Law), whereby the Council Directive 2009/50/EC of 25 May 2009 was implemented, highly qualified foreign nationals are subject to specific rules. A Lithuanian employer intending to employ foreigners for highly skilled positions must register a vacancy at the local labour exchange at least 21 days before applying for a decision about the foreigner's position in regards to the needs of the Lithuanian labour market. The decision will take three weeks after submission of the necessary documents.

The monthly salary of a highly qualified employee may not be less than twice the monthly average gross salary determined by the Statistic Department of Lithuania (about €1,300).

Upon adoption of a positive decision by the Lithuanian Labour Exchange, the foreigner is eligible to apply for a temporary residence permit. The application documents must be submitted to a Lithuanian diplomatic mission or consulate abroad (or the Migration Department of Lithuania or the Territorial Migration Office when the foreigner is lawfully residing Lithuania).

Issuing the temporary residence permit for highly qualified employees takes two months. As a rule, a temporary residence permit is issued for one year with the possibility to extend it. The number of successive temporary residence permits is not limited.

The aforementioned simplified procedure is not applicable for seconded (posted) foreigners or other foreigners who intend to work and reside in Lithuania based on other grounds.



# Malta

**Foreign nationals who wish to work or take up residence in Malta need to comply with certain immigration formalities. Third-country nationals must apply for an employment licence in order to work in Malta.**

Since EU/EEA/Swiss nationals may work without any restrictions, it has become more difficult to obtain approval for employment licences for third-country nationals. The company must show evidence that it has tried to recruit locally or has advertised the position on the website of EURES (European Employment Services). Evidence of the individual's requisite qualifications and work experience references must also be provided with the application.

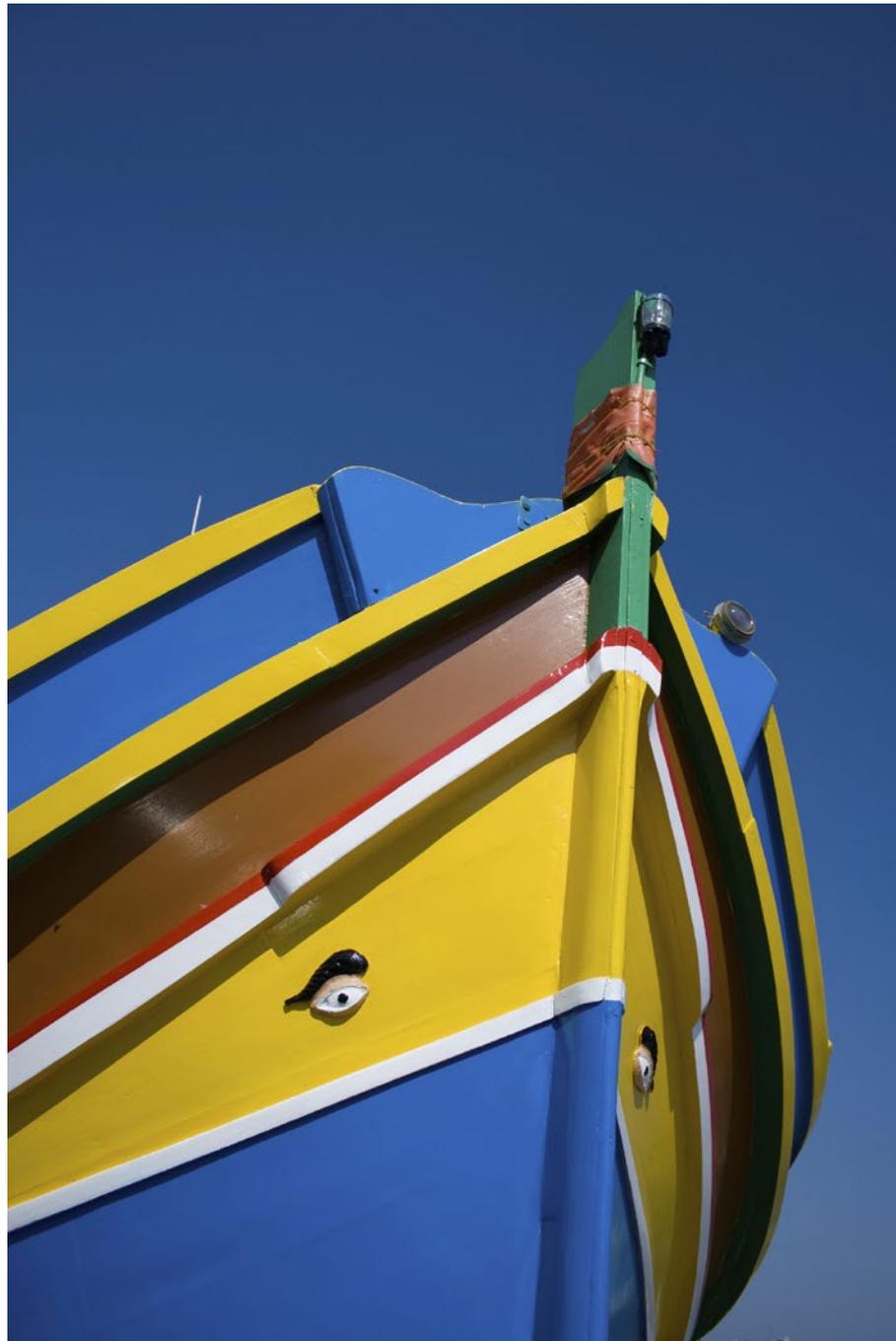
The processing time for the application is usually about twelve weeks, and the individual is prohibited from starting work until the employment licence is issued. If the individual is present in Malta before the licence is issued he or she must present a copy of his or her passport to the authorities with a visa valid for at least six weeks from the date the application is made.

The prospective employer applies for the licence for a specific employment. If the employment is terminated and the individual wishes to work with a different employer, the authorities must be notified and another application submitted.

An employment licence has a maximum duration of one year. An application for an extension must be submitted three full months before the expiry of the licence.

Once in possession of the work permit, the foreign national must apply for a residence permit/document within three months of taking up residence in Malta. This also applies to EU/EEA/Swiss nationals.

The residence permit for third-country nationals is usually valid for one year in line with the employment licence. In the case of EU/EEA/Swiss nationals the residence document may be issued for a period of up to five years.



# Netherlands



**Whether a work permit and visa or (temporary residence permit and) residence permit is needed depends on the nationality of the individual and the duration of stay in the Netherlands.**

Except for EU nationals and citizens from Iceland, Liechtenstein, Norway and Switzerland, all nationalities wishing to work in the Netherlands need a work permit, visa and residence permit. The following guidelines apply to the latter group.

Depending on the nationality of the individual and the duration of stay in the Netherlands, a visa or a temporary residence permit may be needed before entering the Netherlands.

Individuals coming to the Netherlands may stay for a maximum period of three months if they have a valid visa. A visa may be obtained from the Dutch embassy or consulate in the country where the person officially resides. (Nationals of some countries do not need a visa if they stay for a maximum of three months within a six-month period.)

Every foreign national wishing to stay in the Netherlands longer than three months must apply for a temporary residence permit (MVV). Until the MVV is issued, the foreign national is in principle not allowed to come to the Netherlands. (Nationals of the following countries do not need an MVV: EU Member states, Switzerland, Iceland, Norway, Liechtenstein, Australia, Canada, Japan, New Zealand, South Korea and the United States.)

Once an employee receives an MVV he is allowed to enter the Netherlands. Upon arrival the employee must apply for a residence permit and also register at the local town hall of the place of residence.

## Working in the Netherlands

In general a foreign national requires a work permit to work in the Netherlands as of the first day on the job. Exceptions exist depending on nationality, duration of work and the type of work involved.

The main rule is that a work permit will be issued if the employer can prove that no qualifying Dutch or European employee is available to fill the job. To encourage international trade some exceptions exist, including the following:

- Employees who are transferred within an international group of companies, provided that certain requirements are met
- “Knowledge migrants” working for a period less than three months, provided that certain requirements are met

## Knowledge migrants

To attract knowledge migrants to the Netherlands a simplified immigration procedure exists. The employer does not have to apply for a work permit. The employee only needs an MVV and then a residence permit.

## Requirements

Three conditions have to be fulfilled to fall under the knowledge migrant policy:

- For 2013 the knowledge migrant should earn an annual gross salary of at least €52,010 (or €38,141 for knowledge migrants under 30 years). Graduates of a Dutch university who find a job as a knowledge migrant within one year of graduation must earn an annual gross salary of €27,336. Also, the salary must be competitive. The salary requirement is adjusted annually.
- The company should be registered with the Dutch immigration authorities (a one-time procedure).
- The knowledge migrant should be living and working in the Netherlands for more than three months.

From the moment the company has registered with the immigration authorities, it can make use of the knowledge migrant procedure and can apply for MVVs and residence permits. The application processing time is two to six weeks.

# Poland



**Third-country nationals can work in Poland only if they obtain a work permit (or are exempt from this obligation) and a valid document confirming their legal stay in Poland (e.g. visa, residence permit or residence permit issued by another EU country).**

The employing entity (local or foreign) applies for the work permit. It is issued for a specified period of time, not longer than three years (work permit type B can be issued for maximum five years). It may be extended before the expiry. The first work permit is usually issued for up to 12 months.

There are five types of work permits depending on the employment structure:

- Type A: Local employment contract with an entity registered in Poland (including employment with a local branch or representative office). The employer must prove it was not able to hire a local individual for the position.
- Type B: Board member of a legal entity entered in the commercial register of companies, for a stay in Poland exceeding six months during a 12-month period. The entity must be profitable or prove it will reach a certain future profitability by carrying investments, developing technology and creating new jobs.
- Type C: Assigned by a foreign employer to Poland for more than 30 days in a calendar year to a branch, permanent establishment or related party of the foreign entity. The relationship between entities must be properly documented.
- Type D: Assigned by a foreign employer to Poland to perform export or occasional services.
- Type E: Assigned by a foreign employer to Poland for more than three months in a six-month period, other than cases B, C and D.

For cases C, D and E the foreign entities assigning their employees to Poland must appoint an official proxy residing in Poland who will represent the foreign employer to the Polish authorities and be able to document that the immigration criteria are fulfilled.

To stay in Poland the foreigner must obtain one of the following documents, if required:

- Schengen visa
- National visa with right to work
- Residence permit for a temporary stay in Poland. (For individuals working in Poland the residence permit is issued for the period of the work permit, within 60 days of the application submission date.)
- Residence permit issued by another EU Member State
- EU Blue Card for highly qualified employees (as of 27 April 2012). To obtain a Blue Card the individual applies for a two-year residence permit. No additional work permit is required. The special qualifications of the individual must be proven with certified diplomas. Moreover, a labour market test should be conducted.

# Portugal

Depending on the kind and duration of the work, several options exist for foreigners wishing to work in Portugal:

- Short-term visas
- Temporary stay visas. The scope of temporary stay visas has been broadened to include stays of up to one year for professional training (unpaid), voluntary work and student exchange programmes. Short-term assignments are included in this type of visa.
- Residence visas for highly skilled local work. The profession must be duly registered in Portuguese legislation or meet the requirements to be classified as highly skilled work. The main requirement is a university degree or five years of professional experience corresponding to a high education level relevant to the professional area. The salary must be higher than 1.5 times the gross national average wage.
- Residence permits issued for local work can be changed into freelance or assignment contracts.
- Residence permits are given to individuals who invest more than €1 million, purchase property above €500,000 or create more than ten jobs.



# Romania

**To be able to work and/or reside in Romania, foreign nationals have certain requirements to fulfil depending on their nationality and the nature of their employment.**

Romanian companies are responsible for obtaining a work authorisation for non-EU/EEA citizens before concluding a local employment contract. A third-country national can be locally employed by a Romanian company only if there are no suitable Romanian or EU/EEA nationals meeting the requirement for the open position. Recently this requirement was eliminated for highly qualified employees (highly skilled workers).

A foreigner can qualify as a highly skilled worker only by meeting the two following conditions:

- The individual holds at least a bachelor's degree relevant to the activities of the Romanian company and the requirements of the position.
- The salary paid to the individual exceeds four times the medium national salary (for 2013: RON 2,223 x 4 = RON 8,892 or about €2,030).

Assuming the above conditions are met, a work authorisation for highly skilled workers can be obtained by the employer. The Romanian company submits the request with all relevant documents to the Romanian General Immigration Inspectorate. The processing time is around 30 days. The work authorisation has no validity time limit.

Once the work authorisation is issued the individual has the right to work in Romania. In order to be able to enter Romania and reside for more than 90 days within a six-month period, he or she needs to obtain a long-term employment visa (symbol D/AM) from a Romanian consulate abroad.

Once arriving in Romania with a D type visa, the individual needs to apply for a Romanian residency permit for highly skilled workers (EU Blue Card). The processing time is 30 days and the residency permit must be renewed every two years.



# Slovakia

**When a non-EU citizen intends to work and reside in Slovakia, he or she needs to fulfil some immigration formalities. The number and kind depend on the nationality and employment situation. Any employer wishing to employ a non-EU citizen in the country must first obtain a work permit for that employee.**

In general, a non-EU citizen needs a valid work and residency permit to be employed in Slovakia, if no exemption applies (e.g. holding temporary residence for the purpose of a family in the EU, having been granted asylum, etc.). A work permit is also required if the foreign employee lives permanently in a foreign country and regularly enters Slovakia to work, returning home at least once a week. He or she may start working only after being granted a work permit and temporary residence for the purpose of employment.

Work permits are issued by the Labour Office in the locality of the future place of work. The process takes up to 45 days.

If a foreigner applies for employment, the Labour Office must first look for a Slovakian citizen in its register of unemployed persons who fulfils the conditions for the vacant position. If such a job seeker is found, the Labour Office must prioritise the Slovak citizen over the foreign national.

A first work permit can be issued for a maximum period of two years. The work permit can be extended (repeatedly) for up to two years. The foreigner should apply for an extension at the local Labour Office not later than 30 days before the expiry date. The work permit extension can be approved only if the foreigner works for the same employer. A change of employer requires applying for a new work permit.

Once in possession of the work permit, the foreign employee must apply for a residency permit at the Slovak Foreign Police Office. The residency permit is issued for the same period as the work permit.

Special provisions exist for highly qualified employees with respect to the EU Blue Card provisions. The Blue Card is issued with a three-year validity, with the option of a three-year extension. If the term of employment is less than three years the police will grant the Blue Card for the employment term plus three months. The applicant must be already recruited for a specific work position, and needs to have at least five years' working experience in the relevant professional field, or should possess a university degree recognised in an EU Member State. The Blue Card can also be obtained by non-EU nationals who already reside in the EU under a valid temporary stay permit. However, it is not granted to asylum applicants or non-EU nationals who granted a working permit for seasonal work.



# Slovenia



**A foreign national (i.e. other than a national of an EU member state, the EEA or the Swiss Confederation) can legally work and reside in Slovenia only after obtaining a work permit and a temporary residence permit. Usually a work permit is only issued if it is impossible to find a local employee on the labour market that fulfils the set requirements.**

The work permit has to be obtained from the Slovene Employment Office either by the Slovene employer, the foreign employer, or the individual, depending on the type of permit. Except in the case of an EU Blue Card, the work permit needs to be obtained prior to the residence permit.

There are different kinds of work permits:

- Personal work permit, not bound to a particular employer but generally available to individuals with strong ties to Slovenia
- Employment permit
- Blue Card
- Work permit for seasonal work
- Work permit for foreign representatives
- Work permit for training
- Work permit for performing services without market presence
- Work permit for performing services with market presence
- Work permit for movement of persons within company groups

The type of permit, application procedure and required documents depend on the employment situation of the individual. In general the process should take no longer than two months. The permit is valid from one month to up to several years, depending on the type of permit and circumstances of the individual.

Once a work permit is obtained the foreign national may acquire a temporary residence permit for the purpose of employment. The foreigner should obtain the first temporary residence permit prior to entering Slovenia by submitting an application at the diplomatic or consular representation of Slovenia abroad. Alternatively, the application for the first temporary permit, as well as the application for its extension, may be filed by the employer at the diplomatic or consular representation of Slovenia abroad or at the relevant administrative office in Slovenia. This can be done simultaneously with filing for a work permit.

The temporary residence permit for the purpose of employment is issued for the same period as the work permit but not for longer than one year (two years in case of extension). Generally, a permanent residence permit may be issued to a foreigner who continuously resides in Slovenia for five years on the basis of the temporary residence permit.

Highly qualified foreign nationals may be employed by a specific employer in Slovenia and obtain residence through the EU Blue Card. The application for issuing or extending the Blue Card has to be filed by the foreigner or the particular employer. The foreigner should file the application for the first Blue Card at the diplomatic representative or consulate, while the employer may also file it at the relevant administrative office in Slovenia. Before assessing if other conditions for the Blue Card are met, the Employment Office of Slovenia must give its consent. The Blue Card is issued for two years, or less if the employment contract is concluded for a shorter period.

# Spain



**EU/EEA citizens do not need a work permit to work in Spain. They just need to be registered in the Foreigners' Central Registry. Immediate family members who are non-EU/EEA citizens have to apply for an EU citizens family card. For non-EU/EEA citizens, there are different types of work permits. An assessment of each individual's situation is needed to determine the most appropriate type of permit.**

## **Common types of work and residence permit**

### Transnational work permit

- This is for an employee of a foreign company (non-EU/EEA) temporarily assigned to work in Spain. The employee may be assigned to a company located in or operating in Spain with which the foreign company has an agreement; a work centre of the foreign company or another company of the same group; or to supervise construction or services that companies located in Spain are to perform abroad.
- To apply it is necessary that the home-country residency of the employee has been stable, and the employee has worked at his or her professional activity for more than one year, and has worked for the home company for more than nine months.
- The employee must continue to be employed and paid by the foreign company.

### General work and residence permit

- The employee needs to be locally hired by the Spanish company.
- The employee must be registered with the Spanish Social Security and pay contributions.

In both types of work permits the Spanish immigration authorities must verify that no unemployed Spanish individual, EU national, or non-EU national legally residing in Spain is suitable for the job. Given the high level of unemployment in Spain this is difficult to overcome. However, the law foresees certain exceptions as detailed below.

## **Application processing authorities**

Ordinary procedure: Government Delegation Authority

- In specific cases local-hire priority is not considered, for example, when the employee is assigned to a work centre of the foreign company or another company of the same group.
- Once the application is submitted the work permit is issued in two to three months. A Spanish visa takes about one more month. For family members the process could take six or seven months with another month for the visas. Obtaining residence visas for family members can be quite complicated.

## **Special procedure: UGE**

- A special work permit application procedure for managers or highly qualified employees exists. It is processed by the Unidad de Grandes Empresas (UGE) or Special Unit of Large Companies.
- In this case local-hire priority is not considered.
- The process is quicker: only one month, and the Spanish visa is granted about ten days later.
- The Spanish company where the employee will work must meet at least one of the requirements foreseen by Spanish immigration law.

Once the work permit is granted, the foreign national must apply for a visa for employment at the Spanish consulate in his or her last place of residence. After arrival in Spain the employee must apply for a foreign identity card at the police station.

# Sweden



**A non-EU citizen who wishes to work in Sweden must first obtain a Swedish work permit. For work periods longer than three months a residence permit is also required. There are some exceptions to this main rule. Experts within a group of companies who come to work in Sweden for a maximum period of twelve months do not require a work permit, although a residence permit is still required for working periods over three months.**

## **Advertising the job position**

For an employee to be granted a Swedish work permit, the employer must advertise the position on EURES (European Employment Services) for at least ten days. This requirement only applies to new recruitments. If an employee is recruited from within the same group of companies, no advertising is required.

## **Minimum requirements: salary and insurance**

The employment conditions offered to the foreign employee in Sweden must be similar to the standard levels on the Swedish labour market. (The required salary level will vary depending on the employee's profession and previous work experience.) The employee must also have insurance coverage which meets the standards of the Swedish labour market.

## **Filing an application**

The application for a work and residence permit can be filed with the Swedish Migration Board online. A number of documents should be filed together with the application, including the standardised Offer of Employment form issued by the Swedish Migration Board. The form should contain information about the working conditions offered to the employee. The work permit processing time is six to eight months. However, certified agents such as Deloitte Sweden can receive a decision within five to 20 working days. The five-day turnaround requires contact with a Swedish trade union prior to filing the application with the Swedish Migration Board.

## **Validity**

A work permit is valid for a maximum of two years. During the first two years the permit is limited to a specific profession and employer. During the second two-year period the work permit is limited only to a specific profession. After four years it is possible to obtain a permanent residence permit in Sweden. That means that the employee no longer needs to apply for a work permit as long as he or she continues to work in Sweden.

## **Residence permit card**

When the employee has been granted a Swedish work and residence permit he or she must visit a Swedish embassy and provide his or her biometrics. These are then used to produce a so called residence permit card. Even though some nationals do not require a travel visa to enter Sweden, the residence card should be obtained before entering Sweden. Generally, the card takes two to four weeks to produce.



**Companies wishing to assign a skilled worker to the UK must have a UK entity that holds a sponsor licence. Licences are acquired by applying to the UK Border Agency (UKBA). Once the licence has been obtained the UK will be able to issue Certificates of Sponsorship (CoS) to qualified overseas workers.**

The CoS is not a paper work permit, but a "virtual" certificate with a unique reference number generated securely online and given to the visa applicant. The CoS is issued after an eligibility assessment under a points-based system: the overseas national must have enough points to qualify under the appropriate Tier (Tiers discussed below).

Once the CoS reference number has been generated, the applicant must go to the relevant British visa issuing post in his or her home country (or country of legal residence) for an entry clearance process. The applicant will have to give biometric data (usually a digital photograph and fingerprints) and show evidence of points (degree certificates, etc.). The Entry Clearance Officer will assess the case and if the applicant is successful, entry clearance (a visa) will be granted to the applicant to enter the UK.

There are two main skilled-worker visa categories: Tier 2 Intra-Company Transfer and Tier 2 General (other visa options may apply depending on specific circumstances).

### **Intra-Company Transfer (ICT)**

To obtain a Tier 2 ICT visa the following criteria should be met:

- Applicants must have at least 12 months' prior experience in a company group overseas.
- The role the applicant will be undertaking in the UK must be at bachelor's degree level or above.
- The applicant must be paid the appropriate rate for the job (short term: £24,300 per year or the appropriate rate according to the UKBA codes of practice, whichever is higher; long term: £40,600 per year or the appropriate rate according to the UKBA codes of practice, whichever is higher).

Intra-company visas to stay in the UK can be classified as short term – maximum 12 months – or long term – up to 5 years (3 + 2). Neither type of ICT visa can be extended beyond this time and the visa does not lead to settlement in the UK. After the visa expiry the holder is subject to an exclusion period that prevents him or her from returning to the UK and working in a Tier 2 category for 12 months (some limited exceptions apply).

### **General**

This category applies to new hires at the company, to applicants who don't qualify for a Tier ICT visa (without 12 months' prior experience with the group company overseas), or to applicants who require a visa that can lead to settlement in the UK. These visas are usually harder to obtain, as the UK issues a limited number.

Before this type of visa can be obtained the UK entity has to advertise the role in a very specific way to ensure no one in the UK can do the job. Then a pre-application has to be made to the UKBA for permission to issue the CoS. If this permission is granted, the process continues as described in the overview above. The total processing time may be three months or more.

For applicants earning over £152,100 per year the requirement to advertise and apply for a place under the limit is waived.

Further requirements that must be met before applying for a visa:

- The role that the applicant will be undertaking in the UK must be at bachelor's degree level or above.
- The applicant must be paid the appropriate rate for the job (£20,300 per year or the appropriate rate according to the UKBA codes of practice, whichever is higher).
- The applicant must be able to show that he or she is proficient in English (possess a degree taught in English or an English-language test certificate, or be a national of an English-speaking country).

General visas can be issued for up to six years (3 + 3). If the applicant does not obtain settled status he or she will have to then leave the country. A 12-month exclusion period will then apply (as with the ICT visa described above).







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