

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)



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Requested by EE EMN NCP on 7th August 2018

Economic Migration

Responses from [Austria](#), [Belgium](#), [Croatia](#), [Cyprus](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Greece](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [Netherlands](#), [Poland](#), [Slovak Republic](#), [Sweden](#), [United Kingdom](#) (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.

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)


Background information:

One aim of the Estonian migration policy is to guarantee that TCNs who come to the country for the purposes of employment are mostly with a higher qualification. Additionally, the aim is to facilitate the arrival of those TCNs who contribute to the development of Estonian economy and society. In order to fulfill these aims, the Aliens Act stipulates the requirement of salary criteria (with some exceptions), which obligates the employers to pay TCNs, who come to Estonia for short-term employment or with a temporary residence permit for employment, a fixed salary. The Estonian Ministry of the Interior would like to have up to date information on how other Member States have regulated salary related issues of third country nationals in the domain of labour migration. For the question no 1 and 2 please see the AHQ on Minimum annual remuneration threshold launched on 1st December 2016 launched by IE and update the information if there are any changes.


Questions

1. Has your MS introduced an obligation for the employers to pay a specified salary (salary criteria, minimum remuneration threshold) for TCNs who they hire for short term employment or on the basis of temporary residence permit for employment? Y/N
2. If yes please update the remuneration thresholds that were provided in the AHQ Minimum annual threshold launched on 1st December 2016.
3. If yes, how is the fulfilment of the salary criteria proved and verified?
4. If the salary criteria is not fulfilled, what are the consequences?
5. If yes, are there exceptions to some TCNs to whom the salary criteria does not apply to? If yes, please explain to whom and why the salary criteria does not apply to?



Responses

	Country	Wider Dissemination	Response
	Austria	Yes	1. No. In Austria, employers are not obliged to pay third-country nationals a specified salary. Nevertheless, collective agreements (if applicable), including tariff regulations, are in force and have to be respected by the employer. Where required, foreigners in the meaning of the Act Governing the Employment of Foreigners have to proof a certain salary threshold in order to receive access to the labour market (cf. e.g. Art. 12b Act Governing the Employment of Foreigners).


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>2. n/a</p> <p>3. n/a</p> <p>4. In case the salary threshold stipulated in the Act Governing the Employment of Foreigners is not reached, access to the labour market cannot be granted.</p> <p>5. n/a</p>
	<p>Belgium</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. In order for a TCN to obtain a work permit in Belgium, certain rules regarding his/her remuneration apply. The working conditions of the foreign worker must comply with Belgian regulations. Regarding remuneration, the legal minimum thresholds determined by the Joint Committee competent for the sector of activity, or salary scales, are applicable. In any case, a remuneration – regardless of the sector - cannot be inferior to the monthly Belgian intersectoral minimum wage (GGMMI / RMMMGM), which is guaranteed by the Collective Labour Agreement n°43 of the National Council on Work. As of 1 June 2017, this monthly minimum wage is EUR 1562,59 (it may further vary according to different factors, such as age). See: www.salairesminimums.be Furthermore, certain categories of foreign workers need to meet a minimum annual remuneration threshold to obtain a work permit : Highly qualified TCNs : as of 1 January 2018, the minimum annual remuneration threshold is EUR 40.972 (gross salary). TCNs with a management position : as of 1 January 2018, the minimum annual remuneration threshold is EUR 68.356 (gross salary). European Blue Card : as of 1 January 2018, the minimum annual remuneration threshold is EUR 52.978 (gross salary). Performing artists : as of 1 January 2018, the minimum annual remuneration threshold is EUR 34.179 (gross salary). Professional sportsmen and sport coaches : the minimum annual remuneration threshold is EUR 81.600 (gross salary) for the period 1 July 2018 until 30 June 2019. This threshold is determined on an annual basis for the period from 1 July of the current year to 30 June of the next year.</p> <p>3. When applying for an occupation authorization/work permit, a certain number of documents need to be provided, including a work contract which clearly states the gross salary of the TCN. This will be checked by the competent services of the Regions/German-speaking Community. In case of an</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>application to extend the occupation authorization/work permit, the competent services also check whether the agreed upon salary has indeed been paid.</p> <p>4. If the salary criteria are not fulfilled, the Regions/German-speaking Community will reject the application for an occupation authorization/work permit.</p> <p>5. Yes. The only exception are au-pairs, who have pocket-money instead of a salary. This amount is set at a minimum of 450 EUR per month. There are no other exceptions.</p>
	<p>Croatia</p>	<p>Yes</p>	<p>1. Yes, in certain situations (see answer 2.)</p> <p>2. The salary level is prescribed for the issuance of the "EU Blue Card" (gross annual salary in an amount not to be less than 1.5 average gross monthly salary – 1,700 EUR), when issuing a residence permit and work for key persons in companies, and when issuing residence and work permits to third-country nationals who are self-employed in their own companies or shop (gross salary must be at least the average gross salary in the Republic of Croatia in the previous year by Statistics Croatia – 1,050 EUR). Other third-country nationals must prove that they have enough financial means for themselves and their family members during their stay in Croatia (one person: 325 EUR per month, two: 460 EUR, each additional member of the family additional 110 EUR).</p> <p>3. Financial means are proven by the employment contract and payroll lists. Payments and salaries of third-country nationals shall be controlled by the body responsible for keeping the register of contributions on compulsory pension insurance.</p> <p>4. If a third-country national does not have regulated incomes/monthly salary, the residence and work permits will expire.</p> <p>5. N/a</p>
	<p>Cyprus</p>	<p>Yes</p>	<p>1. The “Strategy for the Employment of Foreign Manpower” (Decision of the Council of Ministers) regulates the entry of third country nationals with a temporary permit for employment purposes. According to the “Strategy for the Employment of Foreign Manpower” no employer is granted</p>

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>permission to employ third country nationals with a temporary permit unless they comply with the provisions of the employment law and the collective agreements (where they exist) including minimum salary as decided from time to time. It is noted that, no permit is issued unless a labor market test is carried out with the exception of highly qualified personnel. That is, employees with a minimum annual salary of over €35000 who are holders of high academic or professional qualifications.</p> <p>2. N/A, as there are too many collective agreements.</p> <p>3. According to the provisions of the “Strategy for the Employment of Foreign Manpower” and the Aliens and Immigration law, for the above category of workers with a temporary work permit a contract is always signed between the employer and the worker and ratified by the Department of Labor to ensure the basic rights of the third country national based on the employment law and the collective agreements (where they exist). In addition, upon a request for a permit renewal, the salary is verified using data from the Social Insurance Services.</p> <p>4. No permit is granted or renewed</p> <p>5. Salary criteria does not apply only to third country nationals who fall under the special cases category. That is, usually people who have lived for a long period or have special ties to Cyprus. For example, children of third country nationals who have grown up in Cyprus.</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. 12 200 CZK per month (approx. 480 EUR)</p> <p>3. An employment contract is a mandatory attachment of every application for a work permit (+ visa) or a single permit.</p> <p>4. An application is rejected</p>

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>5. No exceptions</p>
	<p>Estonia</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. According to the Aliens Act: a) An employer is obliged to pay a TCN whose short-term employment in Estonia has been registered or who has a residence permit for employment a remuneration in the amount equal to at least the annual average gross monthly salary last published by Statistics Estonia (currently 1221€). b) An employer is required to pay remuneration to a TCN during the period of validity of an EU Blue Card the amount of which is at least equal to 1.5 times the annual average gross monthly salary, as last published by Statistics Estonia (currently 1832€). c) An employer is required to pay remuneration to a TCN who has a residence permit as a top specialist a remuneration in the amount at least equal to the annual average gross monthly salary in Estonia, last published by Statistics Estonia, multiplied by a coefficient of 2 (currently 2442€). d) The employer is required to pay to TCN, who has been issued a residence permit for employment in the specified area of employment where there is shortage of labour, a remuneration in the amount of at least equal to the annual average gross monthly salaries and wages in Estonia last published by Statistics Estonia in the specified area.</p> <p>3. The employer has to submit the information about the salary to the Police and Border Guard Board in the application for registration of short-term employment of the TCN or in the invitation added to the application for temporary residence permit. The remuneration has to correspond to the latest information published by Statistics Estonia. The remuneration is corrected when the residence permit is being prolonged or when applying for a new first residence permit. The Tax and Customs Board provides the data on the remuneration upon a query from the Police and Border Guard Board.</p> <p>4. If the remuneration payed to the TCN does not meet the conditions, the registration of the short term employment is refused/ residence permit is not issued or the short-term employment/ residence permit is revoked. In case a smaller than mandatory remuneration is payed or remuneration is not payed, it is possible to impose a fine.</p> <p>5. The requirement for the amount of remuneration to be paid to a TCN does not apply in the following cases: a) for a TCN who works in a performing arts institution as a person engaged in</p>



EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>creative activities for the purposes of the Performing Arts Institutions Act; b) for employment as a teacher in Estonia in an educational institution which complies with requirements established by the legislation; c) research activities if a TCN has appropriate professional training or experience and the research and development institution has signed a hosting agreement with the TCN, or employment as a lecturer in Estonia in an educational institution which complies with requirements established by the legislation; d) for employment as a sportsman, coach, referee or sports official for professional activities on the basis of a summons from a respective sports federation; e) employment for the purposes of practical training; f) employment within the framework of a youth project or program if the youth project or program is recognized by the Ministry of Education and Research; g) employment as service personnel of a foreign mission with the approval of the Ministry of Foreign Affairs; h) to a TCN who is a minister of religion, nun or monk, who is invited to Estonia by a religious association and this invitation has been approved by of the Ministry of the Interior; i) to a TCN whose right to take employment in Estonia without a specific permit arises from a treaty; j) a TCn is a posted worker for the purposes of the Working Conditions of Workers Posted in Estonia Act; k) employment as a seasonal worker. l) employment in a start-up company; m) employment as an au pair; n) to a TCN who is a journalist accredited by the Ministry of Foreign Affairs; o) for employment for the purposes of performing directing or supervisory functions of a legal person governed by public law registered in Estonia; p) a TCN has been issued a long-term resident's residence permit of a member state of the European Union; q) a TCN has acquired vocational education in Estonia at the fourth or fifth level of vocational training or a higher education in professional higher education or Bachelor's studies, in the studies based on integrated curricula of Bachelor's and Master's studies, in Master's or Doctoral studies; The persons, who represent these fields of occupations, are considered to contribute to the development of the Estonian economy, society, education and culture and therefore there is a national interest to encourage that they come and stay in Estonia. Additionally some exceptions derive from other legislative acts.</p>
+	Finland	Yes	<p>1. Yes</p> <p>2. Updated from the response to the IE AHQ: When applying for a residence permit in order to work full-time, the salary must at least correspond to the salary specified in the collective agreement that applies to your employment relationship. If there is no collective agreement for the sector, the salary</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>must at least correspond to the salary that meets the condition regarding previous employment (työssäoloehto) under the Unemployment Security Act. You meet the employment condition and are entitled to the basic unemployment allowance if the gross salary for a full-time job is at least 1 189 euros per month in 2018. When applying for a residence permit to work as a specialist or applying for an EU Blue Card, the salary threshold is: higher than mentioned above. Specialist: approx. 3 000 €/month EU Blue Card: 4 663 €/month (in 2018).</p> <p>3. Firstly, if seasonal work (2014/36/EU) is excluded, there are two different processes for applications for the purposes of employment (temporary or otherwise). If there isn't an explicit exception provided by the law that applies to the concerned field of work, application is handled in a two-part process. In that case the Employment and Economic Development Office assesses the sufficiency of the salary among other things before the Finnish Immigration Service makes the final decision. However, when there is such an exception (specialists, managers, athletes, professional artists etc.), the Immigration Service handles the process by itself, including the assessment of the salary. In the two-part process, a specific form (TEM 0.54) signed by the employer has to be attached to the application. On that form the employer asserts the agreed salary to the Employment and Economic Development Office. Based on that assertion, the sufficiency of the salary is assessed. When the applicant wants to renew the permit, he/she has to prove that he/she has indeed been paid the said salary. In the latter process, applicant provides an work contract, a binding offer by the employer or other similar reliable proof of the terms of employment (including salary). The document/documents and the salary are then assessed by the Immigration Service.</p> <p>4. If clarifications attached to an application aren't sufficient or are completely lacking, the applicant is at first given a chance to provide further/lacking clarifications. If it can be said immediately or after the further clarifications that the salary is not sufficient (as described above), the application is rejected. However, If an applicant is for example applying as an specialist, but doesn't have sufficient salary for that, he/she may still be able to get a residence permit as an employed person.</p> <p>5. When an application is based on employment, there are no exceptions. The applicant always has to be able to support himself/herself with his/hers salary and in practice it means at least 1 189 euros per month as mentioned earlier.</p>
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EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

	<p>France</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In order to work in France, a third-country national must apply in advance for a work permit and/or residence permit. This is granted if various criteria are met, in particular identical conditions of employment and remuneration between French and foreign employees for salaried work, the feasibility of an economic project, etc. Applications for a work permit for salaried work are subject to examination of various criteria set out in the Labour Code, in particular the salary at least equivalent to the minimum monthly wage and in compliance with the level of qualification required for this position (in addition to the fact that the professional qualifications of the applicant match the job being offered (qualifications, career experience, etc.) and the employment and remuneration conditions must be the same as that for other workers in the same occupational group. 2. Since 1st January 2018, the minimum annual gross remuneration threshold is calculated as follows: € 9.88 per hour and € 1,498.47 per month for a full time job (35 hours per week). 3. This condition is verified at the time of the visa / residence permit application when the authorities verify the employment contract conditions and remuneration or by the labor inspection when there is an audit of all the financial and economic activity of the employer. 4. The first consequence is the refusal of the visa / residence permit application. If the salary condition is not fulfilled but proved after the issuance of the visa / residence permit, the employer will have to pay a fine of Euro 1,500 per employee. Additional fines / penalties can be decided such as for undeclared work (intentional non-declaration of all or part of a salaried job, intentional evasion of declarations relating to salaries and social contributions), etc. 5. NO
	<p>Germany</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes. 2. Mandated income limits for the - Residence permit for researchers: 2030,00 euros (old federal states) or 1796,67 euros (new federal states) monthly - Blue card EU: 52.000 euros or 40.560 euros for shortage occupations per annum 3. With the application for the granting or extension of the respective residence permit, suitable


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>evidence must be provided, such as the employment contract, income certificates and account statements.</p> <p>4. The application for the issue or extension of the residence permit is rejected, the validity of the still valid residence permit can be shortened.</p> <p>5. No.</p>
	<p>Greece</p>	<p>Yes</p>	<p>1. The in-work third-country national who wishes to work in Greece as a highly qualified employee should conclude a work contract concerning high qualification employment in Greece for at least one year, which provides that his/her salary is equal to the salary threshold regarding employment of high qualification which is defined by a factor of 1.5 corresponding to the average gross annual salary in Greece, as this derives from data of the Hellenic Statistical Authority. In a further case, an employer who wishes to hire personnel for salaried employment, based on the employment positions included in a Joint Ministerial Decision shall submit an application to a competent Decentralized Authority at his/her place of residence, in which reference shall be made to the number of job positions, the personal details and citizenship of the third-country national to be employed, the specialization as well as the relevant employment period. The application should be accompanied by: a) a valid work contract for a period of at least one year in Greece which provides that his/her pay is at least equal to the monthly earnings of an unskilled worker and b) an income tax statement or a copy of a declaration of income tax of a legal person which provide for the employer's ability to pay the monthly salary as this is defined in the work contract. Similarly, an employer who wishes to hire personnel for seasonal work based on the work positions included in the relevant Joint Ministerial Decision, shall submit an application to the competent Decentralized Authority at his/her place of residence. Together with the application, the employer shall submit, among other things, a valid work contract for the purpose of seasonal employment, signed by the employer established in the Greek territory. The work contract indicates, among other things, the employee's salary, which cannot be, under any circumstances, lower than the earnings of an unskilled employee and the amount of the possible vacation allowance, if so stipulated by the contract and, where relevant, any other condition of employment. Specifically, the legal salary threshold for employees and the wages for craftsmen is set as follows: "3. Until the end of the economic adjustment period provided for by the Memoranda annexed to Law 4046/2012</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>and their subsequent amendments the legal salary threshold and wages threshold are set as follows:</p> <p>(a) For salaried employees over 25 years of age the lowest salary is set at 586,08 Euro and for craftsmen over 25 years of age the wages threshold is set at 26,18 Euro. (b) For salaried employees under 25 years of age the salary threshold is set at 510, 95 Euro and for craftsmen under 25 years of age the wages threshold is set at 22,83 Euro. c) i) The aforementioned salary threshold for employees over 25 years of age shall increase by 10% for every three years of service and for maximum three periods of three years and a total of 30% for 9 years of service and more and the threshold wages for craftsmen over 25 years of age shall increase by 5% for every three years of service and up to three periods of three years and a total of 30% for a service of 18 years and over. ii) The aforementioned salary threshold for employees under 25 years of age shall increase by 10% for a three-year period of service and for a service of three years and over, and the threshold wages for craftsmen under 25 years of age shall increase by 5% for every three years of service and up to two periods of three years and a total of 10% for a service of 6 years and over. iii) For the unemployed over 25 years of age registered in the unemployment records as being continuously unemployed for a period over 12 months (long-term unemployment) who are hired as salaried employees, the threshold salary mentioned in point (a) of this paragraph shall increase by 5% for every three-year period of service and 15% in total for a service of 9 years and over (element (iii) of point (c) was added to Article 1, subparagraph I.A.7 Law 4254/2014, Government Gazette A 85/7.4.2014). d) The aforementioned increases based on prior service are paid to an employee with a service to any employer and any specialization, as regards the craftsmen after completing 18 years of age, and as regards employees after completing 19 years of age and are valid for the service completed on 14.2.2012." If this is not the case the employer is bound as regards employment terms as well as payment by relevant Collective Work Agreements, Arbitration Awards or Business Collective Agreements. In the case of violating the provisions of labour legislation the Labour Inspectorate Body, as the competent control mechanism for the implementation and enforcement of labour legislation imposes the relevant sanctions.</p> <p>2. see above</p> <p>3. see above</p>
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EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>4. see above</p> <p>5. see above</p>
	<p>Ireland</p>	<p>Yes</p>	<p>1. Yes. In Ireland, economic migration is managed through an employment permits system (permission granted to third country nationals to work) which is driven by the need to fill skills gaps and in more recent times, labour gaps. A number of criteria must be met before an employment permit can be granted to a third country national. Included in these criteria is the adherence to minimum annual remuneration thresholds, which vary according to the type of employment permit being applied for. See also question 5.</p> <p>2. The following are the Irish minimum annual remuneration thresholds applied currently in the employment permit system. *Critical Skills Employment Permit: €30,000 (for occupations included on a Highly Skilled Eligible Occupations List, plus relevant degree level qualification requirement); €60,000 (for all other eligible occupations plus, if no degree, level of experience requirement). *General Employment Permit: €30,000 (for any occupation except those included on an Ineligible Categories of Employment List. Including some exceptions for certain employments with a minimum annual remuneration threshold of €27,000, €27,500 and €22,000; limited quota restrictions also apply in certain cases). * Intra Company Transfer Employment Permit: €40,000 or €30,000 for a trainee * Contract for Services employment Permit: €40,000 * Dependent/Partner/Spouse Employment Permit: National Minimum Wage* (for the family members of researchers and Critical Skills Employment Permit holders) *Reactivation Employment Permit: National Minimum Wage* (to allow former permit holders whose circumstances forced them out of the permits system to re-enter legal employment) * Sports and Cultural Employment Permit: National Minimum Wage* *Exchange Agreement Employment Permit: National Minimum Wage* (for certain types of exchange agreements, mainly education/research driven) *Internship Employment Permit (for third country students): National Minimum Wage* *National Minimum Wage 2018: €19,367 *</p> <p>3. Details of proposed basic salary provided with application which is assessed and queried where necessary in order to be eligible for grant. Documentary evidence also provided at application stage such as signed contract of employment, plus any additional evidence such as terms and conditions</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>may be requested where necessary.</p> <p>4. Non compliance with permit terms and conditions as granted may affect the granting of subsequent applications for new/renewal employment or other permissions. All employments must also be in compliance with employment rights and industrial relations legislation and subject to inspections at place of employment by workplace relations inspectors with powers to impose penalties or fixed notices for breach of legislation.</p> <p>5. Not all economic migration to Ireland by third country nationals is covered under the employment permits system. The Atypical Worker Permission Scheme covers admission of workers to the State to fill short term contracts, or in other circumstances which are not facilitated by the employment permits process. Permissions granted under this Scheme may include professions that provide specialised high skills to industry of academic institutions; the medical sector (i.e. locum doctors, nurses/midwives undergoing adaptation prior to registration) or to short term funded internships for 3rd level students. Other than the minimum threshold of National Minimum Wage being a requirement for all employment in Ireland, there is no salary criterion for these permissions.</p>
	<p>Italy</p>	<p>Yes</p>	<p>1. No. No remuneration thresholds are foreseen only because the employee is a TNCs hired for short term employment. The remuneration thresholds are set by the national collective agreements for the specific work areas (agriculture, tourism and hospitality sectors) and are the same both for national and foreign employees. The flows of economic migrants (including low skilled workers) are managed through the so called “Decreto Flussi”, adopted by the President of the Council of Ministers and which allows and regulates the entrance of a determined number of specific categories of TCNs workers, by dividing the total number of entries available in quotas, each one dedicated to a specific nationality. The TCNs hired for short term employment or on the basis of temporary residence permit for employment fall within the above-mentioned specific categories of migrants. The employers who decide to hire such TCNs do so on the basis of the rules and criteria (including the specified salary) set by specific national collective agreements, referring to workers involved in specific areas as agriculture (i.e. field workers, breeders, etc...), tourism and hospitality sectors. Such specific national collective agreements are applied with respect to each TCN who filed and obtained the entry permit for employment.</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>2. No remuneration thresholds are foreseen only because the employee is a TNCs hired for short term employment. The remuneration thresholds are set by the national collective agreements for the specific areas.</p> <p>3. The fulfilment of the criteria set within the specific national collective agreements (including salary) are proved and verified by the National Labor Inspectorate (Ispettorato Nazionale del Lavoro) that carries out inspection activities already carried out by the Ministry of Labor and Social Policies, the National Social Insurance Agency (INPS) and the National Institute For Insurance Against Industrial Injuries (INAIL), further verifying the adequacy and compliance to the parameters set by the reference specific national collective agreement of each TCN worker.</p> <p>4. If the criteria set by the reference specific national collective agreement of each TCN worker are not fulfilled, depending on the nature of inadequacy, fines (in case of administrative matters) or criminal proceedings are applied.</p> <p>5. No exceptions are foreseen.</p>
	<p>Latvia</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. An ordinary employment case - annual average salary - 926 EUR (Brutto). Double average salary - for board members - 1852 EUR (Brutto); 1.5 x average salary - EU Blue card, 1.2 x average salary - EU Blue card if the foreigner is going to be employed in the profession where there is a lack of labour force, An average salary in the appropriate branch of economic activity in case of seasonal work in the sector of agriculture.</p> <p>3. Amount of salary shall be indicated in the work agreement. When a person applies for the residence permit extension, the checks are carried out in order to verify if taxes have been paid.</p> <p>4. The employer is not allowed to continue to employ foreigners.</p> <p>5. There are no exceptions in cases where TCN receives a residence permit for the purpose of employment. Salary criteria are not applicable if the right to employment is granted additionally</p>

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			(students, family reunification cases, permanent residence permits etc.).
	Lithuania	Yes	<p>1. Yes.</p> <p>2. The Law on the Legal Status of Aliens determines the general conditions that the alien's remuneration cannot be lower than that paid to a resident of the Republic of Lithuania for performing the same kind of work with the same employer, and if such an employee is not available, the remuneration of an alien cannot be lower than average monthly gross wages of the calendar year in the country's economy publicized by the Lithuanian Department of Statistic (including the data on remuneration at sole proprietorship) according to the kinds of economic activity. The Law on the Legal Status of Aliens also includes special provisions regarding the alien's remuneration - the EU Blue Card may be issued or renewed to an alien if he/she inter alia fulfills the following conditions: 1) the employer's commitment to recruit the alien under an employment contract for at least a one-year period and to pay him a monthly wage in the amount that is not smaller than 1.5 amount of the average gross monthly earnings in the whole economy of the country for the past quarter publicised by the Lithuanian Department of Statistics (including the data on the wages of sole proprietorships) (hereinafter referred to as GMW of the last quarter of the country's economy publicised by the Lithuanian Department of Statistics) (currently 1.5x887,8=1331,7 EUR); 2) the Lithuanian Labour Exchange takes, in accordance with the procedure established by the Minister of Social Security and Labour, a decision that the alien's employment meets the needs of the labour market of the Republic of Lithuania, with the exception of the cases when: a) the employer commitment to recruit an alien to do work that requires high professional qualification according to his profession, which is put on the list of occupations that require high professional qualification and which faces shortage in specialists in the Republic of Lithuania for the period not shorter than one year under an employment contract and to pay a monthly wage of at least 1.5 of the GMW of the last quarter of the country's economy publicised by the Lithuanian Department of Statistics; b) the employer commitment to recruit an alien to do work that requires high professional qualification according to his profession, which is not put on the list of occupations that require high professional qualification and which faces shortage in specialists in the Republic of Lithuania for the period not shorter than one year under an employment contract and to pay a monthly wage of at least 3 amounts of the GMW of the last quarter of the country's economy publicised by the Lithuanian Department of Statistics (currently 3x887,8=2663,4</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>EUR); c) the alien's temporary residence permit, issued for highly qualified employment, is renewed and two years of alien's legal employment in the Republic of Lithuania have lapsed.</p> <p>3. The salary is taken into consideration during the evaluation of the application for temporary residence permit. In order to apply for the temporary residence permit on the grounds of employment, the alien has to submit an Intermediation letter together with his/hers future employer's obligation to employ a foreigner according to an employment contract or an official employment contract which states the intended monthly salary. After the residence permit is issued, the salary is checked (verified) via State Social Insurance Fund Board information system.</p> <p>4. An alien shall be refused issue or renewal of a residence permit if he/she fails to fulfill the conditions set to obtaining a residence permit on the grounds laid down in the Law on the Legal Status of Aliens or a temporary residence permit shall be withdrawn for an alien if the alien does not fulfill the conditions for highly qualified employment, where the temporary residence permit has been issued to the alien according to said conditions.</p> <p>5. No.</p>
	<p>Luxembourg</p>	<p>Yes</p>	<p>1. Yes. Every employee who works in Luxembourg has to get at least the minimum monthly social wage, as fixed by article L.222-1 of the Labour Code. If a collective agreement exists, the applicable salary and pay adjustments are established by the salary scale set out in this agreement according to the position and required qualifications. However the salaries may not be below the social minimum wage under any circumstances. As for the third-country nationals, they are subject to the labour market test: in accordance with article L.622-4 of the Labour Code, the employer has to declare the vacant position to the National Employment Administration (Agence pour le développement de l'emploi – ADEM), so that it can check whether the vacant position can be filled by an individual available on the national or European labour market. Highly qualified employees will not be subject to the labour market test, but the employer must still declare the vacant position. In this context, highly qualified workers are, according to article 45 (1) of the amended law of 29 August 2008 on the free movement of persons and immigration (Immigration Law), third-country nationals who:</p> <ul style="list-style-type: none"> • present an employment contract for a highly qualified position with a term of a year or more; • present a document proving that they possess the high professional qualifications required for the activity or


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>sector mentioned in the employment contract, or that they meet the requirements to carry out the regulated profession indicated in the employment contract; • receive a salary at least 1.5 times the average gross annual salary, or 1.2 times the average gross annual salary for some specific professions, for which the government has noticed a labour shortage (article 1 of the Grand-ducal regulation of 26 September 2008)</p> <p>2. From the 1st August 2018 on, the minimum monthly social wage amounts to 2.048,54 euros (index 814,40 on 1st August 2018) for unskilled workers, and for qualified workers the minimum monthly salary will be 2.458,25 euros. For highly qualified workers the thresholds are: • at least equivalent to 1.5 times the Luxembourg average gross annual salary (49.332x1,5 =EUR 73.998) for professions which fall under group 1 and 2 of ISCO or; • at least equivalent to 1.2 times the Luxembourg average gross annual salary (49.332x1,2 =EUR 59,198.40) for one of the following professions (which fall under group 1 and group 2 of the ISCO) and for which the government has noticed a particular need to employ third-country nationals: o mathematicians, actuaries and statisticians; o systems analysts; o software developers; o web and multimedia developers; o applications programmers; o software and application developers and analysts, multimedia developers not listed elsewhere; o database designers and administrators; o systems administrators; o computer network professionals; o database and network professionals not elsewhere classified.</p> <p>3. The fulfilment of the salary criteria is proved with the employment contract. If a third-country national wants to obtain an authorisation of stay as a salaried worker or a highly qualified worker, s/he must attach to the application a copy of the employment contract (compliant with Luxembourg law), dated and signed by both the applicant and his future employer in Luxembourg. In the case of the salaried worker the contract has to establish the duration and the salary cannot be inferior to the minimum monthly social wage (see answer to Q.2). In the case of an EU Blue Card holder, the contract must have a duration of at least one year and provide for a gross annual salary of at least 1.5 times the average gross annual salary (i.e. EUR 73,998) or, where applicable, 1.2 times the average gross annual salary (i.e. EUR 59,198.40). The employer must register newly appointed employees with the social security administration (CNS). This is done by sending a declaration of start of employment for a private-sector employee (déclaration d'entrée pour salarié du secteur privé) to the Joint Social Security Centre (Centre commun de la sécurité sociale - CCSS) for each employee, either on paper or electronically via SECUline. The declaration will enable the CCSS to: • register the new</p>
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EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>employee; • establish, collect and recover its contributions; • distribute its contributions between the different competent institutions. Article 138 d) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) establishes that the Minister in charge of Immigration - in order to verify if the conditions of entry and stay of a third-country national are respected - has direct access via IT systems to the treatment of personal data contained in the database of affiliations of salaried workers, self-employed persons and employers, managed by the Centre commun de la sécurité sociale [Joint Social Security Centre] pursuant to Article 321 of the Social Security Code;</p> <p>4. If the salary criteria is not fulfilled the authorisation of stay is not granted in accordance with article 42 (1) 4 and (3) (salaried worker) and article 45 (1) 1 and 3 (EU Blue Card holder) of the Immigration Law. If the authorisation of stay was granted and the residence permit was issued but after a verification in accordance with article 138 d) of the Immigration Law during a random control or when renewing the residence permit, the Minister in charge of Immigration discovers that the agreed salary is not being paid, the Minister can revoke and withdraw the residence permit or refuse to renew it in accordance with article 101 (1) 1 of the Immigration Law.</p> <p>5. The minimum salary does not have any exceptions. It will apply to any salaried worker independently of their nationality. In regard to highly qualified workers the only exception is the one of the professions for which the government has noticed a particular need to employ third-country nationals (See answer to Q.1). The only other exception is the third-country nationals who are family members of an EU/EEA citizen in which case they can apply for the same position of a highly qualified worker but the employer is not subject to the salary threshold mentioned above.</p>
	<p>Malta</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. EU Blue Card Scheme: Applicants have to be paid at least a salary which is calculated at 1.5 the national average wage as defined in the most recent Labour Force Survey issued by the National Statistics Office (NSO). According to News Release 101/2018 issued by NSO on 28th June 2018, the average annual basic salary (excluding overtime, bonuses and allowances) of employees for the first quarter of 2018 was estimated at €18,643. • National Scheme – Key Employee Initiative (KEI): Applicants have to be paid at least a salary of €30K per annum. • Single Permit Applications:</p>

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>Applicants have to be paid at least the national minimum wage. For 2018, the national minimum wage per week of full-time employees (18 years and over) is €172.51.</p> <p>3. At application stage, salary thresholds are checked by Jobsplus (Malta’s Public Employment Services). At renewal stage applicants have to provide a copy of the Tax Return Form and a check is made to ensure that the right salary amount has been declared.</p> <p>4. If the salary criteria is not fulfilled, cases are referred to Identity Malta Agency (the Agency issuing Blue Cards, KEI and Single Permits) so that the application is refused or revoked as the case may be.</p> <p>5. To date there are no exceptions and thus applicants have to satisfy the salary criteria mentioned above.</p>
	<p>Netherlands</p>	<p>Yes</p>	<p>1. Yes. For highly skilled migrants there is salary threshold. You can find this obligation in articles 1d, of the Decree on the Foreign nationals Employment Act. For Blue Card holder, you can find this obligation in articles 1i, of the Decree on the Foreign nationals Employment Act.</p> <p>2. The monthly thresholds for 2018 are (excluding an 8% vacation allowance): - Highly Skilled migrants, 30 years or above: €4404 - Highly Skilled migrants, below 30 years: €3229 - Highly skilled migrants following an orientation year for highly educated persons, or without an orientation year permit within 3 years after graduating or work as a scientific researcher: €2314 - EU Blue Card Holders: €5160 If the foreign national applies for a residence permit as a highly skilled migrant and he is a scientific researcher, a guest lecturer or a physician training to be a specialist, he does not have to comply with the full standard amount applicable to highly skilled migrants. He must earn at least 70% of the statutory minimum wage. The same applies to scientific researchers as defined in Directive 2005/71/EC.</p> <p>3. Basically, the salary criteria are judged based on the data from the application form, as given by the recognised sponsor. The Dutch Immigration and Naturalisation Service (IND) is entitled to investigate thoroughly whether or not the highly skilled migrant meets the salary criteria in case of doubt. This may include requesting the underlying labour contract, etc. If there is doubt related to the market conformity of the salary the Employee Insurance Agency (UWV) is requested to give an</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>advice on this matter. The enforcement of these legislative rules takes place afterwards and is basically risk-based. There are several instruments, such as trajectory controls within systems accessible for the IND (Suwinet of the UWV) in relation to the salary criteria as well as inspection visits to the employer of the highly skilled migrant. This can be done by the Team for Enforcement and Supervision on behalf of the IND, as well as the Inspectorate for Social Affairs and Employment (ISZW, part of the Ministry of Social Affairs and Employment) operating wholly independently.</p> <p>4. Concerning the highly skilled migrant permit, paying the minimum remuneration threshold is a condition for obtaining the residence permit. Thus, the consequence of not fulfilling the salary criteria would be rejection/withdrawal of the residence permit. Furthermore, this may also lead to imposing measures on the recognised sponsor (the employer that submitted the application on behalf of the highly skilled migrant) based on the gravity of the violation. This can be a warning, a fine and perhaps even the withdrawal of the recognition.</p> <p>5. The salary thresholds for the highly skilled migrants is comparable to the average remuneration in the Netherland of employees with a university degree. The level of the remuneration reflects the value of the employee for the Dutch economy. This also means that the remuneration of the certain job has to be in line with salaries in the market; it has to be a market-oriented salary. For all other categories of migrants, there is no salary threshold, but not paying the national minimum wage or a wage that is market-oriented is ground for rejection of the application of the work permit. The level of the market-oriented remuneration depends on the sector, the function, collective agreements, etc.</p>
	<p>Poland</p>	<p>Yes</p>	<p>1. In Poland Central Statistical Office (Statistics Poland) fixes a minimum wage which applies to all employees (both for Polish and foreign) working on the basis of work contract (subject to labour code). The minimum wage is announced annually. There is also minimum hour wage for civil contracts (and it also applies to all workers). As regards foreigners specifically: Work permit The remuneration offered by the employer (who wants to employ the foreigner on the basis of work permit) must be at least at the level of minimum wage and it must also be comparable with the average salary level for this particular job on the local market. Salary criteria for granting a work permit differ in regard to the type of a work permit. The above mentioned conditions applies to ‘type A’ work permit – most common type of work permits in Poland, issued to foreigners who perform</p>


EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>work on the basis of a contract with an entity (employer) who is based within the territory of the Republic of Poland. Other types of work permits (together with salary criteria for them) are: - Type B: Issued for a foreigner who is a member of a board of a legal entity which is registered as an entrepreneur in the National Court Register. In order to employ the foreigner as a member of board, the company must confirm that it has achieved an appropriate income (it means that its income in the previous tax year has been not least than 12- times average monthly salary). - Work permits type C-E are intended for posted workers .The salary criteria for those work permits is not less than 30% of average salary level on the local market which is officially announced by the Central Statistical Office (Statistics Poland). Temporary residence and work permit The requirement of salary criteria for temporary residence and work permit is corresponding to the above mentioned requirement for work permit. Therefore, the remuneration offered by the employer (who wants to employ the foreigner on the basis of temporary residence and work permit) must be at least at the level of minimum wage and it must also be comparable with the average salary level for this particular job on the local market. Seasonal work permit From January 2018 there is a possibility to employ migrant on the basis of a seasonal work permit (as a result of implementation of Seasonal Workers Directive (2014/36/EU) into polish law). The seasonal work permit entitles a third country nationals to perform work in the area of agriculture, horticulture, tourism for 9 months in a calendar year. In order to get the seasonal work permit for a TCN an employer has to offer a remuneration that is not lower than the average salary level for this particular job on the local market.</p> <p>2. From 1st January 2018 – the minimum wage is 2100 zloty (ca. 487,18 EUR)* . There is also minimum hour wage (for civil contracts) – 13,70 zloty (ca. 3,18 EUR). *Exchange rate of National Polish Bank - 1 EUR = 4,3105 PLN (16.08.2018) http://www.nbp.pl/homen.aspx?f=/en/onbp/informacje/dzialalnosc_nbp.html</p> <p>3. In case of work permit the provincial governor responsible for issuing permits verifies if the remuneration offered meets the statutory criteria. It takes into consideration the opinion of district governor responsible for issuing the information on the outcome of the so called labour market test which includes an opinion on how the offered salary is relevant to the vacancy. In case of seasonal work permit the district governor verifies the applications and remuneration offered in them.</p> <p>4. Unless the salary criteria is fulfilled, there is no official approval to employ the foreigner by this</p>
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EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>particular employer or temporary job agency. As a consequence, foreigner cannot work</p> <p>5. Salary criteria does not apply to foreigners working on the basis of declaration of an employer to entrust a job to a foreigner (simplified procedure for short-term work) The above procedure applies to citizens of six countries (Armenia, Belarus, Georgia, Moldova, Russia, Ukraine) performing work in Poland without work permit on the basis</p>
	Slovak Republic	Yes	<p>1. No. Slovakia does not apply such criteria for employers when hiring TCNs. However, the minimal monthly wage of the migrant working in Slovakia needs to be in compliance with the legal regulations on minimum wage. The minimum monthly wage in Slovakia in 2016 was 405 EUR in 2017 it was 435 EUR and in 2018 it is 480 EUR At the same time, when applying for temporary residence for the purpose of an employment, the third country national needs to submit the proof of financial security in the sum of minimum living wage for each month of his/her residence, which currently represents the sum of 205,07 EUR (in case the residence shall be issued for more than one year, the proof of financial security needs to be submitted in the sum of 12x sum of minimum monthly wage). The monthly wage of Blue Card holder needs to represent minimum of 1,5x sum of average monthly wage in the corresponding economic sector valid in the preceding calendar year.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Sweden	Yes	<p>1. Yes.</p> <p>2. The general thresholds are still the same. Third country nationals who want to be granted a work permit in Sweden under the general Swedish system for labour immigration must have been offered a position that will enable them to support themselves. In order to satisfy this support requirement, they need to work to an extent that will result in a salary of at least SEK 13,000 per month before taxes.</p>

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>However, work permit holders must also have been offered terms of employment that are on par with those set by Swedish collective agreements (agreements between employer organisations and trade unions), or – where no such agreement exists - which are customary within the occupation or industry at hand. This means that the minimum salary of SEK 13,000 per month before taxes is not always sufficient. (For example, when the minimum salary for a specific profession is SEK 20,000 per month according to a collective agreement, the third-country national must earn at least this salary.) To obtain an EU Blue Card, the minimum salary threshold is considerably higher. Blue Card holders must earn no less than one and a half times the average gross salary in Sweden, before taxes. For 2017, this salary threshold was SEK 49,200 per month.</p> <p>3. The minimum support requirement and minimum remuneration are verified on the basis of the respective offer of employment, issued by the employer.</p> <p>4. If the support requirement is not fulfilled or the salary is not on par with the terms set by collective agreements (or which are customary, as described above), a work permit will not be granted. If it turns out that the requirements are not met but a work permit has already been issued, this permit can be revoked (nor not extended).</p> <p>5. For third-country nationals who need a work permit to stay and work in Sweden, there are generally no exceptions. However, the above-mentioned requirements do not apply to third-country nationals who hold other types of permits (e.g., residence permits for study purposes) and who are exempted from the requirement to have a work permit. There are also exceptions for certain kinds of activities that are not considered “work” in a strict sense, e.g., artistic, volunteer or religious activities. Moreover, it is possible that employers provide parts of a remuneration in kind, e.g. through free accommodation or free meals.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. The United Kingdom recognises the valuable contribution migrants make to our society and welcome those with the skills and expertise to make our nation better still. The immigration system has a role to play in supporting growth and meeting the needs of UK businesses. Migrant workers fill skills gaps in our labour market and help to boost our economy. However, we must control immigration so that we continue to attract international talent to work or study in Britain, and manage</p>

EMN Ad-Hoc Query on AHQ on salary criteria (partly an update to the IE AHQ on Minimum annual remuneration threshold)

			<p>the process properly so that our immigration system serves the national interest. Tier 2 is our main immigration work route for non-EEA nationals, the following does not apply to EU migrants who come to the UK under free movement regulations. Under Tier 2 all allowed occupations have a minimum salary defined in our rules for those seeking limited leave to remain. There is a minimum salary for the route of £30,000 per annum, however we have some exceptions which bring this level down to £20,800 p.a. which are:</p> <ul style="list-style-type: none">• If the applicant is under 26 years old;• Working in selected public occupations roles (e.g. nurses, paramedics, some teachers)• applying as a graduate trainee• applicant meets certain post study conditions <p>If a migrant later applies for settlement there is a higher minimum salary requirement, currently £35,500 per year. Salaries and other requirements are checked during the caseworking process of visa applications against Certificates of Sponsorship issued by a licensed sponsor / employer. The licencing system requires that sponsors / employers are checked to confirm they are complying with the regulations. If a sponsor fail to comply their licence can be revoked and the leave of their employees curtailed.</p> <p>2. Please see Q1.</p> <p>3. Please see Q1.</p> <p>4. Please see Q1.</p> <p>5. Please see Q1.</p>
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