



## **AD HOC QUERY ON 2019.98 European Union Long-term residence - Part I**

**Requested by EMN NCP Luxembourg on 13 November 2019**

**Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden (24 in Total)**

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### **1. Background information**

The report from the Commission to the European Parliament and the Council on the implementation of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents of 29 March 2019 (COM(2019) 161 final) concluded that “Since 2011, the implementation state of play of the long-term residents Directive across the EU has improved, also thanks to the numerous infringement cases launched by the Commission and judgements issued by the CJEU. However, some outstanding issues continue to undermine the full achievement of the Directive’s main objectives, which are to: constitute a genuine instrument for the integration of third-country nationals who are settled on a long-term basis in the Member States; and contribute to the effective attainment of an internal market. ...” and that “most Member States have not actively promoted the use of the EU LTR status, and continue to almost exclusively issue national long-term residence permits unless third-country nationals explicitly ask for the EU permit. [...]” Adding that “the way that most Member States have implemented the intra-EU mobility provisions of the Directive has not really contributed to the attainment of the EU internal market.”

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EMN Luxembourg had been raising the issue that EMN should conduct a study to determine the state of play of the long-term residence permit in the EU as the report of the Commission is based on a study conducted by an external contractor throughout the period 2014-2016, which focused on the transposition of the Directive rather than on its practical implementation.

During the 24th EMN Steering Board Meeting that took place in Brussels on 21 October 2019, EMN Luxembourg was entrusted to do an EMN Inform on the State of Play of the EU LTR. In order to obtain the information EMN Luxembourg will launch four ad-hoc queries on the subject.

The present ad-hoc query will count for two ad-hoc queries and will deal with **Exclusion clauses, Duration of residence and periods of absence, Conditions for acquiring long-term resident status and Loss of the status.**

## 2. Questions

1. The European Court of Justice in its judgment C-502/10 (Singh) of 18 October 2012 stated that the Directive (Article 3(2)(e)) excludes from its scope the "residence of third-country nationals which, whilst lawful and of a possibly continuous nature, does not prima facie reflect any intention on the part of such nationals to settle on a long-term basis in the territory of the Member States". In accordance with the judgment and your national legislation, can you please list which legal TCN residents are excluded in your MS to apply for the EU LTR (e.g. diplomats, pupils...)?
2. Does your MS accept, in certain justified cases based on specific or exceptional reasons of temporary nature, an absence from the national territory that goes beyond the maximum set out in article 4(3) of the Directive (periods of absence shorter than six consecutive months and not exceeding in total 10 months within the period of 5 years) which does not interrupt the legal and continuous residence within its territory for five years?  
*Available choices: Yes, No*
3. a. If your answer is YES, can you please list the reasons under which these exceptions are made?
4. How does your MS calculate the 5 years period when there are absences linked to the applicant's condition as a posted worker? And in the case of someone who provides cross-border services in the EU?
5. The third sub-paragraph of Article 4(2), introduced by Directive 2011/51/EU, takes into consideration for beneficiaries of international protection at least 50% of the period between the application date for international protection and the date the residence permit is issued (or the totality if the duration is over 18 months) in order to access the status of LTR. Does your MS apply the 50% rule when examining the application for LTR status or does it consider a longer period? Please explain.
6. To be eligible for long-term resident status (LTR), stable, regular, and sufficient resources are required to support themselves and their family members without resorting to the social assistance system (Article 5(1)(a)). How does your MS define the notion of stable, regular and sufficient resources? Please precise if there is a fixed amount.

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**7. a. What documents do your MS require from the applicant?**

**8. Within the assessment of the condition concerning the stable, regular and sufficient resources, does your MS take into account the entire previous residence period of 5 years?**

*Available choices: Yes, No*

**9. a. If you answer YES, please explain from when they are taking into consideration.**

**10. Does your MS require TCN applying for LTR status to meet integration requirements?**

*Available choices: Yes, No*

**11. a. If YES, how are the integration conditions defined?**

**12. b. Which are the criteria applied?**

**13. Does your MS require providing evidence of appropriate accommodation?**

*Available choices: Yes, No*

**14. a. If YES, how is the appropriate accommodation defined?**

**15. b. If YES, which proof is required from the applicant?**

**16. The LTR loses the right as a long-term resident in case of absence from the EU territory for a period of at least 12 consecutive months. Does your MS apply the derogatory condition (article 9(2)) which authorizes that certain types of absence from the EU territory may not result in the withdrawal or loss of the status?**

*Available choices: Yes, No*

**17. a. Does it apply it only for specific or exceptional reasons? YES/NO. Can you please provide examples**

**18. b. Does your MS apply the derogatory condition (article 9(4))<sup>3</sup> which allows, under specific reasons, a LTR TCN to retain his/her status in case of an absence from your national territory of more than 6 years?**

*Available choices: Yes, No*

**19. i. If you answer YES, can you please explain?**

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**20. Does your MS withdraw the LTR status in the case of revocation of, ending of or refusal to renew the international protection (Article 9(3a))?**



*Available choices: Yes, No*

**21. a. If you answer YES, in which cases?**

We would very much appreciate your responses by **28 February 2020**.

**3. Responses**

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		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Belgium	Yes	1. In Belgium, the following categories of third-country nationals cannot apply for long term-residence status:

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<ul style="list-style-type: none"><li>• The foreign national authorized to stay in Belgium in order to pursue studies or vocational training;</li><li>• The foreign national authorized to stay in Belgium on the basis of temporary protection (or the person who has applied for such protection and is awaiting a decision);</li><li>• The foreign national authorized to stay in Belgium on the basis of a form of protection other than international protection (or the person who has applied for such protection and is awaiting a decision);</li><li>• The foreign national who has lodged an application for international protection on which a final decision has not yet been taken, i.e. the applicant for international protection;</li><li>• The foreign national residing in Belgium solely on temporary grounds (such as the intern, volunteer, au pair, seasonal worker or posted worker);</li><li>• The foreign national enjoying a legal status governed by the Vienna Convention on diplomatic relations of 18 April 1961, the Vienna Convention on consular relations of 24 April 1963, the New York Convention on special missions of 8 December 1969 and the Vienna Convention on the representation of states of 14 March 1975.</li></ul> <p>(See Art. 15bis Immigration Act, available in French at <a href="http://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel">http://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel</a>)</p> <p>2. Yes</p> <p>3. In general, the maximum of 6 consecutive months not exceeding in total 10 months applies. There is one exception to this rule: for highly-qualified workers (Art. 61/27 Immigration Act), the period of 5 years cannot be interrupted by an absence shorter than 12 consecutive months and not exceeding in total 18 months within the 5 year period.</p> <p>4. Absences from the territory are taken into account on the basis of absences that have been registered in the national register. There are no specific conditions or exceptions for posted workers or persons providing cross-border services in the EU.</p> <p>5. Belgium applies the standard rule (50%, or 100% if more than 18 months).</p>
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			<p>6. According to Art. 15bis Immigration Act, the foreign national should provide evidence that he has stable, regular and sufficient resources to maintain himself and the members of his family “to avoid becoming a burden on the authorities”. As of January 2020, these resources should be higher than 855 EUR (+ 285 EUR for each dependent person). For students, the threshold is set at 666 EUR per month for the academic year 2019-2020. The nature and regularity of these resources are also taken into account. The evidence of these resources may be provided on the basis of, inter alia, professional income, unemployment benefits, disability benefits, early retirement benefits, old-age benefits or certain insurance benefits. Please note that this list is not exhaustive (see attached Circular letter of 14 July 2009 regarding long-term residence status). In a recent case involving the Belgian state, the CJEU moreover ruled that resources from a third party or a family member should not be excluded either provided that they are stable, regular and sufficient (CJEU, 3 October 2019, C-302/18, X v Belgische Staat).</p> <p><a href="#">circulaire_relative_au_statut_de_resident_de_longue_duree_2009.pdf</a></p> <p>7. The applicant should provide a valid residence or settlement permit as well as evidence of stable, regular and sufficient resources. If the identity of the applicant has not been determined, s/he should also submit a national passport or, in the case of refugees, a certificate issued by the Office of the Commissioner General for Refugees and Stateless Persons recognising his or her refugee status.</p> <p>8. No</p> <p>9. N/A</p> <p>10. No</p> <p>11. N/A</p> <p>12. N/A</p> <p>13. No</p>
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			<p>14. N/A</p> <p>15. N/A</p> <p>16. Yes</p> <p>17. Yes. In general, the LTR loses his residence rights if he has left the EU territory for 12 consecutive months.                  However, foreign nationals who were authorized to stay as highly-qualified workers (Art. 61/27 Immigration Act) before obtaining LTR status only lose their residence rights in case of absence from the EU territory for 24 consecutive months. This rule also applies to the family members of these foreign nationals, provided they have also obtained LTR status.                  Furthermore, after an absence from the EU territory for 12 consecutive months, the foreign national with LTR status can still exercise his right to return if he fulfils three cumulative conditions:</p> <ul style="list-style-type: none"> <li>• prior to his departure, he has provided evidence to the municipality that his centre of interest is located in Belgium and has informed the municipality about his intention to leave the country and to return;</li> <li>• upon return, he possesses a LTR residence permit the validity of which has not expired (meaning that if he wishes to return to Belgium after the date of expiry of the residence permit, he should apply for renewal before leaving the country);</li> <li>• within 15 days after his return, he presents himself to the municipality of his place of residence.</li> </ul> <p>Finally, a special rule applies to foreign nationals travelling to their country of origin for at least 12 consecutive months for compulsory military service, study reasons or medical treatment. These persons only have to inform the municipality about their absence and have to return to Belgium within 60 days after the end of the military service, studies or medical treatment.                  (see Art. 5, 6 and 7 Royal Decree of 22 July 2008 laying down certain rules implementing the Immigration Act, available at <a href="http://www.ejustice.just.fgov.be/eli/arrete/2008/07/22/2008000730/justel">http://www.ejustice.just.fgov.be/eli/arrete/2008/07/22/2008000730/justel</a>)</p> <p>18. No</p>
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			<p>19. N/A</p> <p>20. Yes</p> <p>21. The foreign national can lose his LTR status if this status has been obtained on the basis of international protection (refugee status or subsidiary protection) that has subsequently been revoked.</p>
	EMN NCP Bulgaria	Yes	<p>1. According to Art. 24d. of the Law on the Foreigners in the Republic of Bulgaria, (1) Status of long-term stay shall be granted to a foreigner who has stayed legally and without interruption on the territory of the Republic of Bulgaria within 5 years before submission of an application for permission of a long-term stay. After having been obtained, the long-term stay shall be permanent, unless grounds for its revocation as per Art. 40 appear.</p> <p>(2) Residing periods of the persons under Art. 23a and of the persons who reside exclusively on a ground of temporary nature, such as persons working within programmes au pair, seasonal workers, cross-border service providers; workers and servants sent to a business trip by a service provider for the purposes of provision of cross-border services; or where their permission to stay is formally limited, shall not be taken into account when calculating the time period under Para 1.</p> <p>(3) When calculating the period under Para 1, shall be taken into account only one half of the time of stay of the foreigners as students, pupils and trainees as per Art. 24c.</p> <p>(4) Long-term residence status may be granted to a foreigner who benefits from international protection.</p> <p>2. No</p> <p>3. N/A</p> <p>4. See the answer of question 1</p>



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			<p>5. As regards foreigners benefiting from international protection, when calculating the residence period under para 1, half of the term for residence shall also be included, considered from the date of submission of an application for international protection until the issuance date of a Bulgarian identity document, according to the Law on the Bulgarian Personal Documents, or the overall duration of residence within the dates mentioned, where it is over 18 months.</p> <p>6. Evidence for stable, regular, providable and sufficient maintenance funds without referring to the social assistance system in the amount not smaller than the minimal monthly work salary, the minimal stipendium or the minimal pension for the country, for the term of residence on the territory of the Republic of Bulgaria.</p> <p>7. In order to obtain the right to a long-term residence, the foreigner shall submit in person a standard application. The foreigner shall attach to the application the following:</p> <ol style="list-style-type: none"><li>1. a copy of a valid passport or replacing document with the pages of the photo and the personal data; for comparison of the copy authenticity, the original of the passport or the replacing document shall also be produced;</li><li>2. evidence for stable, regular, providable and sufficient funds for subsistence for a period not smaller than 1 year, without referring to the social assistance system, taking in consideration the minimal monthly work salary and pension for the Republic of Bulgaria;</li><li>3. obligatory medical insurance, valid for the territory of the Republic of Bulgaria, where the person has not been insured under the Law on Health Insurance;</li><li>4. evidence for provided housing;</li><li>6. a copy of a decision for the provision of international protection by the State Agency for Refugees – in the cases under Art. 12d, Para. 4 of the LFRB.</li></ol> <p>The authorities for administrative control of foreigners shall apply an official information from the MI information records about the legal residence of the foreigner during the last 5 years on the territory of the Republic of Bulgaria.</p> <p>8. No</p>
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			<p>9. N/A</p> <p>10. No</p> <p>11. N/A</p> <p>12. N/A</p> <p>13. Yes</p> <p>14. Evidence for a secured home shall be documents, as follows: a) notarial deed or other document proving the ownership or use of the property; b) a notary certified declaration by the owner for a provided residence address; in case the declaration has not been filed personally by the owner or by a person authorized by him / her, it shall have a notary certification of the signature.</p> <p>15. See the answer of question 1</p> <p>16. Yes</p> <p>17. Yes. Compulsory administrative measures shall be imposed by orders of the Chairman of State Agency "National Security" and the Directors of the Chief Directorates "National Police", "Border Police" and "Fighting Organised Crime", the Directors of the Metropolitan and Regional Directorates, the Director of the Migration Directorate, the Directors of the regional directorates "Border Police" at the Ministry of Interior and of officials authorized by them. The circumstances requiring the imposition of a certain compulsory administrative measure, when containing classified information, shall be noted in a separate document, drawn up by the respective officials under the order of the Protection of the Classified Information Act.</p> <p>When imposing compulsory administrative measures, the competent authority shall take into account the duration of the stay of the foreigner on the territory of the Republic of Bulgaria, the categories of vulnerable persons, the existence of proceedings under the Law on the Asylum and Refugees or of</p>
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			<p>proceedings for renewal of residence permit or of another permit granting right to reside, his/her family status and the presence of family, cultural and social relations with the country of origin of the person.</p> <p>18. No</p> <p>19. N/A</p> <p>20. No</p> <p>21. N/A</p>
	EMN NCP Croatia	Yes	<p>1. EU LOTR may be granted to a foreigner who, before the submission of the related application in the Republic of Croatia, had legal residence in an uninterrupted period of five years, including granted temporary residence, asylum or subsidiary protection.</p> <p>The time required for granting permanent residence referred to shall not include:          stay further to a stay and work permit issued to seasonal workers, service providers, cross-border workers, posted workers, intra-corporate transferees, other indispensable persons as defined in the Protocol on the Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organisation as well as stay approved to the family members of intra-corporate transferees and family members of other indispensable persons as defined in the Protocol on the Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organisation, the time spent on serving of prison sentence.</p> <p>The provisions of Aliens Act relating to residence and work of foreigners do not apply to the members of Diplomatic Missions and Consular Offices, the members of the missions of the organizations of the United Nations and other specialized institutions of the United Nations, the members of the missions of</p>

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			<p>international organizations accredited in the Republic of Croatia and the members of their families or households when they are issued with special documents by the competent ministry for foreign affairs.</p> <p>2. No</p> <p>3. N/A</p> <p>4. To posted workers absences apply without any exceptions. The time required for granting long-term residence shall not include the period of residence based on a work and stay permit issued to cross-border workers.</p> <p>5. The time required for the approval of EU LOTR to a foreigner having asylum or subsidiary protection granted, shall be calculated to include only a half of the time, from the day when application for international protection was submitted and based on which the related status was granted to him until the day when international protection was granted, or the entire period of time if it does not exceed 18 months.</p> <p>6. The means of subsistence as a threshold to for assessing the condition of stable and regular resources is in reference to the amount specified by the Regulation on the method of calculation and the amount of the means of subsistence for third-country nationals in the Republic of Croatia (OG 35/2018). The basis for calculation is the amount of which the minimum guaranteed benefit is determined in accordance with social care regulations (currently the basis is HRK 800,00).</p> <p>Single-person should have minimum subsistence in the amount of three basis, for a two-member family, the amount is increased by 1.25 basis, and for each additional family member the amount is increased by the additional amount of one basis.</p> <p>In practice, for one person the amount is currently 2400 HRK, 3400 HRK for a two-member family, and for each additional family member, the amount goes up by 800,00 HRK.</p> <p>7. In addition to the application for a EU LOTR, a third-country national shall submit:</p>
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			<ul style="list-style-type: none"><li>- color photo 35x45 mm,</li><li>- proof of the means of subsistence (payrolls for six previous months, tax ruling, pension excerpt, employment contract, or a written certificate of employment contract, or appropriate proof of work showing the salary of a third-country national, if the third-country national has been working for less than 3 months, proof of scholarship, decision on entry into the Register of Family Farms by the competent ministry, and proof of realization of funds from that basis),</li><li>- proof of health insurance,</li><li>- a copy of a valid travel document that will be certified by the official upon inspection of the original travel document (there is an exception regarding person granted subsidiary protection and asylum),</li><li>- proof of knowledge of the Croatian language and Latin script.</li></ul> <p>8. No</p> <p>9. N/A</p> <p>10. Yes</p> <p>11. One of the conditions for granting EU LOTR is the knowledge of the Croatian language and Latin script. The costs of the test shall be borne by the third-country national. The test of the knowledge of the Croatian language and Latin script may be organized by higher education institutions, secondary school institutions and adult education institutions holding Croatian language courses on the basis of an approval of the line ministry for education.</p> <p>Exception are in place for persons who are:</p> <ol style="list-style-type: none"><li>1. preschoolers,</li><li>2. attendants or persons who have finished primary, secondary or higher education in the Republic of Croatia,</li><li>3. persons over the age of 65 if they are not employed.</li></ol>
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			<p>12. The test in the knowledge of the Croatian language and Latin script may be organized by higher education institutions, secondary school institutions and adult education institutions holding Croatian language courses on the basis of an approval of the line ministry for education. Criteria applied are in line with Ordinance on taking exams of knowledge of the Croatian language and latinic script during the procedure of authorization of permanent residence (OG, 121/12), and an applicant shall be considered to have passed the exam if he has obtained at least 60% of the points in writing and if he/she has been positively assessed on the oral part of the exam. The Croatian knowledge examination program for non-native speakers is at B1 level.</p> <p>13. No</p> <p>14. N/A</p> <p>15. N/A</p> <p>16. No</p> <p>17. N/A</p> <p>18. No</p> <p>19. N/A</p> <p>20. Yes</p> <p>21. If asylum or subsidiary protection has been cancelled.</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. The following are excluded from applying for LTR:</p>

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			<p>-Students or persons residing in the Republic for vocational training -Asylum seekers -Persons residing in the Republic on temporary grounds such as au pair, seasonal workers or cross-border providers -Persons enjoying a legal status governed by the Vienna Conventions on Diplomatic Relations of 1961 and 1963, the Convention of 1969 on Special Missions or the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character of 1975</p> <p>2. Yes</p> <p>3. In exceptional cases the competent authority may accept a longer period, not exceeding in total 24 months in cases of serious health reasons or employment purposes.</p> <p>4. See answer to Question 3a.</p> <p>5. The rule of 50% is applied or the whole of the period if it exceeds 18 months.</p> <p>6. There is no fixed amount. It is taken into consideration the personal circumstances of the applicant including the nature and circumstances of his/her employment. In particular, the net monthly salary should not be lower than the Average Monthly Earnings of Employees according to Cyprus Statistical Service and the annual income should be above the at-risk-of-poverty threshold according to the Cyprus Ministry of Finance survey on Income and Living Conditions of Households.</p> <p>7.</p> <ul style="list-style-type: none"><li>• Copy of Passport or other travel document valid at least for two years, including the pages which show the stamps of arrivals and departures from the Republic</li><li>• Valid contract of employment</li><li>• Criminal record certificate</li><li>• Health Insurance Policy</li><li>• Certificates of academic/vocational qualifications, confirmation of previous experience and vocational/professional permits/licenses</li></ul>
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			<ul style="list-style-type: none"> <li>• Certificate of knowledge of the Greek language (level A2) for foreigners</li> <li>• Bank accounts statements</li> <li>• Certificates of income and income declaration from sources other than employment (if applicable)</li> <li>• Title of ownership (if the title of ownership has not been obtained yet, the applicant must submit the deed of sale duly stamped by the Stamps Commissioner and the Department of Lands &amp; Surveys and proof of payment) or rental agreement accompanied by establishment description and receipts of rent payments, phone, electricity or water bills</li> <li>• Income tax returns for the last five years and tax clearance certificate</li> <li>• V.A.T. returns for the last five years and tax clearance certificate (for employment in self-owned companies or self-employment)</li> <li>• Statement of social insurance contributions for the last five years.</li> </ul> <p>8. No</p> <p>9. N/A</p> <p>10. Yes</p> <p>11. The integration conditions concern the sufficient knowledge of the Greek language level A2 as it is described in the Common European Framework of References for Languages.</p> <p>12. A Certificate of knowledge of the Greek language (level A2) for foreigners is required.</p> <p>13. Yes</p> <p>14. There is no definition for appropriate accommodation, but it should be similar to the average living standards of Cypriot citizens, according to the Cyprus Ministry of Finance survey on Income and Living Conditions of Households, taken into to consideration the personal circumstances of the applicant and his/her family.</p>
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			<p>15. Title of ownership (if the title of ownership has not been obtained yet, the applicant must submit District Officer's approval for the property purchase, the deed of sale and proof of payment) or rental agreement in applicant's name accompanied by establishment description certified by the President of the Community Council (Mukhtar) and receipts of rent payments, phone, electricity or water bills for the last six months.</p> <p>16. No</p> <p>17. N/A</p> <p>18. No</p> <p>19. N/A</p> <p>20. Yes</p> <p>21. In cases that the international protection status of the holder is revoked or cancelled according to the provisions of the Refugee Law</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Everyone has a possibility to get the LTR with exceptions according to the §68 Sec. 3 of the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic. In this paragraph it is specified what types of residence permits are not counted into the 5 years period needed to get the permanent residence permit (which includes status of a resident).</p> <p>§68 Sec. 3 of the Act on the Residence of Foreign Nationals</p> <p>(3) The period of stay pursuant to paragraph (1) shall not include any period:</p> <p>(a) during which a foreign national is posted to the territory by a foreign employer or by a foreign legal or natural person;</p>

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			<p>(b) of residence of a foreign national in the territory where the purpose of such residence in the territory is to provide assistance with housework in return for board, lodging and pocket money intended to satisfy his or her basic social, cultural or educational needs (au pair);</p> <p>(c) during which a prison sentence is served; on the date on which a foreign national starts to serve a prison sentence, the period of his or her continuous residence in the territory shall be interrupted until he or she is released from the enforcement of that sentence;</p> <p>(d) of residence in the territory on the basis of a visa for a stay of over 90 days for purpose of seasonal work;</p> <p>(e) of residence in the territory on the basis of a visa for a stay of over 90 as leave to stay in the territory; this shall not apply if the foreign national subsequently resides in the territory on the basis of a long-term residence permit as leave to stay, issued pursuant to Section 43; and</p> <p>(f) of residence on the basis of a residence authorisation pursuant to Section 47(4), (6), (8), (9) or (10) or pursuant to Section 60(4); this shall not apply if, further to an application establishing a residence authorisation pursuant to Section 47(4) or (6) or pursuant to Section 60(4), a long-term residence permit has been issued or renewed, or a long-stay visa, including the period of stay in the territory, has been renewed.</p> <p>2. Yes</p> <p>3. See the § 68 Sec. 2 Lett. e) of the Act on the Residence of Foreign Nationals. If you answer is YES, can you please list the reasons under which these exceptions are made?</p> <ul style="list-style-type: none"> <li>- Pregnancy</li> <li>- Birth of a child</li> <li>- Serious illness</li> <li>- study</li> </ul> <p>§ 68 Sec. 2 Lett. e) of the Act on the Residence of Foreign Nationals The period of stay pursuant to paragraph (1) shall include:</p> <p>(e) any period of a foreign national's absence from the territory during a period of stay pursuant to subparagraphs (a) to (d), where such individual periods of absence do not exceed 6 consecutive months and, on aggregate, do not exceed 310 days; provided that one period of a foreign national's absence</p>
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			<p>from the territory is no longer than 12 consecutive months for serious reasons, in particular in the eventuality of pregnancy and childbirth, serious illness or study or training, the continuity of residence shall be deemed to have been respected; that period shall not be included in the period of stay pursuant to paragraph.</p> <p>4. General rules are applied. There does not exist any special rule for posted worker.</p> <p>5. Yes, according the § 53 Lett. d oft he Act on Asylum.          § 53 Lett. d oft he Act on Asylum          The Ministry shall grant a recognised refugee or a person enjoying subsidiary protection the legal status of a long-term resident of the European Union in the Territory (hereinafter referred to as the "Territorial Resident"), if the foreign national applies for such in writing and satisfies the condition of 5 years of uninterrupted stay in the Territory, has not seriously disrupted public order or has not endangered the security of the Czech Republic or any other Member State of the European Union, has proved availability of funds for his/her stay in the Territory of an amount equal to the funds required for a permanent residence card pursuant to Section 71 of the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.          The period of stay on a long-term visa, on a long-term or permanent residence card issued under a special legislation and the period of stay with the status of a recognised refugee or a person enjoying subsidiary protection all count towards the required period of 5 years of uninterrupted stay in the Territory. Only half of the period of stay in the Territory for the purpose of studies under a special legislation shall count towards the required period. Also, only half of the duration of proceedings for granting international protection which resulted in a decision to grant asylum or subsidiary protection, including the duration of proceedings concerning an appeal or a cassation complaint shall count towards the required period; if international protection proceedings lasted longer than 18 months, this period shall count in full.</p> <p>6. See below.</p> <p>7. § 70 Sec. 2 Lett. d) of the Act on the Residence of Foreign Nationals and § 71 Sec. 1 IBID.</p>
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			<p>§ 70 Sec. 2 Lett. d): Proof of the availability of the means for permanent residence in the territory (Section 71(1)); this shall not apply to a foreign national applying for a permanent residence permit pursuant to Section 67 or to a foreign national pursuant to Section 87 who is applying for a permanent residence permit upon reaching the age of 18 years on grounds pursuant to Section 66(1)(a); on request, the foreign national shall also submit a declaration of the release of the tax office from the obligation of confidentiality to the full extent of data with a view to verification of the aggregate monthly income of the foreign national and the persons assessed together with him or her; if the foreign national attaches proof of the income of a person assessed together with him or her to the application, he or she shall also present that person's declaration of release from the obligation of confidentiality if so requested.</p> <p>§ 71 Sec. 1: Proof of the availability of means to reside permanently in the territory shall be taken to mean a document proving that the foreign national's income is regular and that the aggregate monthly income of the foreign national and persons assessed together with him or her who reside in the territory [Section 42c(3)(c)] will not be lower than the sum of the amounts of subsistence levels for the applicant and the persons assessed together with him or her and the highest amount of standardised housing costs prescribed for the purposes of the housing allowance by special legislation, or the amount credibly demonstrated by the applicant as the amount of actual justified costs spent on the housing of the applicant and the persons assessed together with him or her. Where this concerns a foreign national pursuant to Section 66, this document may be replaced by proof of a commitment to provide means for permanent residence in the territory from the resources of public budgets. Income pursuant to the first sentence shall be taken to mean income includable pursuant to the Act on the Minimum Standard of Living and Subsistence Level, other than one-time income, a child allowance, unemployment support, retraining support, and benefits within the system of assistance in cases of hardship; for the purposes of calculating income, Section 8(2) to (4) of the Act on the Minimum Standard of Living and Subsistence Level shall not apply. A foreign national's income may be proved in particular by his or her employer's confirmation of the amount of his or her average net monthly earnings, where this is income from employment, or by a personal income tax return, where this is income from self-employment. If income cannot be proved by other credible means, statements of an account held at a bank for the past 6 months, showing that the foreign national has such income at his or her disposal, or an income tax assessment notice may be presented as proof of the availability of means for permanent residence.</p>
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			<p>8. No</p> <p>9. N/A</p> <p>10. Yes</p> <p>11. § 70 Sec. 2 Lett. h) - a document proving the required knowledge of the Czech language, issued by a person examining knowledge of the Czech language to the extent laid down by implementing legislation issued pursuant to Section 182a(1)(a) (hereinafter referred to as a "language examination"), unless stated otherwise.</p> <p>12. See above</p> <p>13. Yes</p> <p>14. § 70 Sec. 2 Lett. f) and § 71 Sec. 2 of the Act on the Residence of the Foreign Nationals As a building marked by a street number and/or evidential number which is dedicated for accommodation according the Town and country planning and building code (Building Act).</p> <p>15. As a proof of appropriate residence according to the § 70 Sec. 2 Lett. f) is considered a document on ownership of an apartment or official agreement of the owner of the apartment on accommodation.</p> <p>16. Yes</p> <p>17. YES § 77 Sec. 1 Lett. c) (c) the foreign national has resided outside States of the European Union for a continuous period of longer than 12 months, unless justified by serious reasons, in particular pregnancy and childbirth, serious illness, study or training, or a work posting abroad, § 53e Lett. c) of the Asylum Act</p>
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			<p>The Ministry shall cancel a decision to grant the legal status of a Territorial Resident if:  c) the Territorial Resident has remained outside the territory of European Union member states uninterrupted for a period exceeding 12 months, unless this was for serious grounds, in particular pregnancy, childbirth, serious illness, studies, professional training or professional postings abroad.</p> <p>18. No</p> <p>19. N/A</p> <p>20. Yes</p> <p>21. § 53e Sec. 2 of the Asylum Act  The legal status of a Territorial Resident shall be terminated by withdrawal of asylum pursuant to Section 17 subs. 1 letter a) or h), by withdrawal of subsidiary protection pursuant to Section 17a subs. 1 letter b) or c) or by non-extension of subsidiary protection for grounds specified in to Section 17a subs. 1 letter b) or c).</p>
	<p>EMN NCP  Estonia</p>	<p>Yes</p>	<p>1. According to Article 237 of the Aliens Act  (1) The issue of a residence permit for a long-term resident may be refused if:  1) a TCN may constitute a threat to public order or national security;  2) a TCN has submitted false information concerning the facts which are relevant to the proceedings or has used deceit upon application for the issue of a residence permit for long-term residents;  3) a TCN has been punished in Estonia for intentionally committed crime against the state and his or her criminal record has not expired.</p> <p>(2) The issue of a residence permit for a long-term resident shall be refused if:  1) a TCN has been issued a temporary residence permit for study;  2) a TCN has been issued a temporary residence permit in case of substantial public interest;</p>

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			<p>3) a TCN does not comply with the conditions of the issue of a residence permit for a long-term resident provided for in this Act;</p> <p>4) a TCN is holding a valid temporary residence permit on the basis of the Act on Granting International Protection to Aliens before the decision is made with regard to the application for residence permit for a long-term resident and with regard to him or her a basis for the ending or revocation of the refugee status or supplementary protection status of an alien provided for in that act has become evident.</p> <p>2. Yes</p> <p>3. if a TCN 's stay outside Estonia has lasted longer than six consecutive months and exceeding in total ten months within five last years before the lodging of an application of a residence permit for a long-term resident and the Police and Border Guard Board (PBGB) has considered his or her stay outside Estonia justified, the period of permanent residence in Estonia required for the issue of a residence permit for a long-term resident shall extend by the length of the period of the stay away, which exceeds the allowed time period enacted in article 4 (3) of the Directive.</p> <p>There is no specific list of reasons under which these exceptions are made, but it is the discretionary decision of the PBGB. For example, there has been some cases concerning studying.</p> <p>4. The 5 year period is calculated starting from submitting the application for the long-term residence permit. The PBGB assesses weather the stay outside the country is justified. While submitting the application, the applicant has to have a valid temporary residence permit in Estonia and residence in Estonia.</p> <p>5. In Estonia the period of residence as an applicant for international protection immediately before the granting of international protection and the period of residence in Estonia as a beneficiary of international protection is included into the period of residence in Estonia prior to the lodging of an application for a residence permit for a long-term resident.</p> <p>6. According to Estonian legislation the TCN has to have permanent legal income for subsistence in Estonia. Legal income must enable the maintenance of the TCN and his/her family members in Estonia.</p>
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			<p>Requirement for legal income is a single subsistence level in Estonia for every month of stay in Estonia, depending on the size of the family. In 2019, the subsistence level was 150 euros per month. TCNs who have settled in Estonia before 1st of July 1990 legal income is a 0,16 times subsistence level in Estonia for every month of stay in Estonia, depending on the size of the family.</p> <p>Legal income are deemed to be:</p> <ul style="list-style-type: none"> <li>• lawfully earned remuneration for work;</li> <li>• parental benefits;</li> <li>• unemployment insurance benefits;</li> <li>• income received from lawful business activities or property;</li> <li>• pensions;</li> <li>• scholarships;</li> <li>• alimony (maintenance support);</li> <li>• benefits paid by a foreign state;</li> <li>• subsistence ensured by family members (i.e. spouse, parents of minor child, parents of adult children who need care and assistance, adult children or grandchildren of parents or grandparents who need care and assistance, parents or grandparents of adult child who is studying at full load, guardian) earning legal income.</li> </ul> <p>7.</p> <ol style="list-style-type: none"> <li>1. Application;</li> <li>2. Photo;</li> <li>3. Proof of adequate legal income</li> <li>4. A certificate of Estonian language proficiency examination;</li> <li>5. An identity document;</li> <li>6. A document certifying the payment of the state fee.</li> </ol> <p>In case the TCN has been relieved from fulfilling the integration requirement, a document or information about the court decision on restricting the persons' legal capacity.</p> <p>In case the TCN has acquired the basic, secondary and higher education in the Estonian language, a document proving the acquiring of the relevant education.</p>
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			<p>A decision from the expert committee in case the TCN has been released from the examination due to health reasons. If the TCN applying for the long-term residence permit is a beneficiary of international protection, the applicant submits a written explanation that he or she is in continuous need of international protection.</p> <p>8. No</p> <p>9. The PBGB assesses the sufficient resources at the moment of submitting the application.</p> <p>10. Yes</p> <p>11. A TCN who is applying for a residence permit for long-term residents is required to have the Estonian language proficiency at least at the elementary level – language proficiency level B1 or a corresponding level. The integration requirement need not be complied with by: 1) a TCN under 15 years of age; 2) a TCN over 65 years of age and 3) a TCN who has restricted active legal capacity. The Estonian language proficiency is evaluated at the Estonian language proficiency level exam under the conditions provided for in the Language Act. A TCN who has acquired the basic, secondary and higher education in the Estonian language is not required to take the Estonian language examination. A TCN who, for health reasons, is permanently unable to comply with the requirements of the Estonian language proficiency level examination shall be released from the examination. A TCN who, for health reasons, is permanently unable to fully comply with the requirements of the Estonian language proficiency level examination shall pass the examination to such extent and in such manner as his or her state of health allows. An expert committee shall decide on the partial or total release of an alien from the Estonian language proficiency examination.</p> <p>12. Please see the pervious reply.</p>
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			<p>13. No</p> <p>14. The place of residence of the TCN has to be registered in the Population Register. The PBGB makes an inquiry to the Register.</p> <p>15.</p> <p>16. Yes</p> <p>17. As a general rule the long-term residence permit shall be revoked in case the TCN stays outside EU territory for twelve consecutive months. The fact does not constitute a basis for the revocation of a residence permit if the PBGB have deemed the absence of the TCN to be justified (e.g. studying).</p> <p>18. Yes</p> <p>19. As a general rule the long-term residence permit shall be revoked in case the stay of the TCN outside Estonia has lasted for at least six consecutive years. The fact does not constitute a basis for the revocation of a residence permit if the Police and Border Guard Board have deemed the absence of the TCN from Estonia to be justified (for example in case of person 's with undetermined citizenship the PBGB may make a derogation if the person does not have a residence permit in another country).</p> <p>20. Yes</p> <p>21. A residence permit for a long-term resident may be revoked if: 4) a TCN has held a valid temporary residence permit on the basis of the Act on Granting International Protection to Aliens immediately before the application for residence permit for a long-term resident and with regard to him or her a basis for the ending or revocation of the refugee status or supplementary protection status of a TCN provided for in that act has become evident.</p>
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	<p>EMN NCP Finland</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. The only foreigners that are explicitly excluded are beneficiaries of the humanitarian protection, which used to be a national form of international protection until it was repealed in 2016 (meaning that new residence permits are not issued based on it anymore). However, the main limitation comes from the fact that only continuous (type A) residence permits are accepted here. There are two types of fixed-term permits in Finland, temporary (B) and continuous (A). When the required five years of residence is assessed, only residence with an A-permit is taken into account. There also has to be basis for issuing a new continuous residence permit. Meaning that in addition to the previous five years of residence, the applicant still would be entitled to having a new A-permit if he/she chose to apply one instead of LTR-permit. In short, the applicant has to have lived 5 consecutive years with an A-permit and still would be entitled to one (is still married, still has the job etc.) For example students (including their family members) and foreigners working or doing business on a temporary basis are entitled only to having a B-permit, which means they can't receive a LTR-permit. (Unless they later receive an A-permit based on some other grounds and spend five continuous years in Finland with it.) However temporary workers and entrepreneurs can in any case get an A-permit after two years of residence with B-permit.</li> <li>2. Yes</li> <li>3. For example temporary studying/working abroad or family member's serious illness, that has demanded applicants presence abroad.</li> <li>4. There isn't specific practice concerning this, but they probably would constitute afore mentioned specific or exceptional reasons.</li> <li>5. Finland takes into account the whole period. This means that the period of five years begins at the moment when the application for international protection was made.</li> <li>6. The so called income requirement (section 39 of the Aliens Act) is a general requirement that applies to most residence permit applications. The section is also applicable to LTR-applicants and is principally</li> </ol>
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			<p>applied in the same way regardless of the basis of the application. Generally speaking it means that the applicant has to have the secure means of support other than social security benefits. The source of the funds is not limited in the law in a binding way, but it of course needs to be reliable, stable and regular in order to convince the officials that the means of support are secured.</p> <p>There isn't a fixed amount in the Finnish law, but based on the established administrative and judicial practice there are quantitative starting points and guidelines that are applied in each individual case. The main point is that the applicant should be able to live in Finland without resorting to social benefits. This usually means around 1 000 € per month for an adult living alone, 1 700 € per month for two adults living together, and so on. These can of course be applicant's own personal funds or income that are stable and sufficient. Or for example family member's similar funds or income. If the sponsor is someone else than member of the nuclear family, more proof over the credibility of the claim is required (history of previous support etc.)</p> <p>There are cases in the Finnish law when the applicant in exempted from the income requirement, but they don't apply to LTR-permit applications. In order to get the latter, the means of support always has to be secured.</p> <p>7. The required documents are listed on the application form:</p> <ul style="list-style-type: none"> <li>• Valid passport (must be presented when submitting the residence permit application)</li> <li>• Passport photo complying with the passport photo guidelines issued by the police</li> <li>• For an underage child, written consent from the guardian who is not the person submitting the application</li> <li>• Clarification of income depending on the source. If the source is for example paid employment, these are required:             <ul style="list-style-type: none"> <li>– Employment agreement</li> <li>– Pay slip, showing cumulative pay from the current and past year</li> <li>– Tax certificate on the most recent confirmed taxation</li> <li>– Tax card for the current year</li> <li>– Bank statements for the past six months</li> </ul> </li> <li>• And for example business:             <ul style="list-style-type: none"> <li>– Trade Register extract of the business</li> </ul> </li> </ul>
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			<ul style="list-style-type: none"> <li>- Partnership agreement</li> <li>- Most recent approved final accounts</li> <li>- Tax certificate on the most recent confirmed taxation</li> <li>- Advance tax decision</li> </ul> <p>The Finnish Immigration Service may ask the applicant to provide other documents than those specified on the form when it is necessary and proportionate.</p> <p>8. No The assessment of income requirement is in principle a prediction: Based on the information at hand, is it probable that after getting the permit, the applicant will be able to support him/herself without regularly resorting to social benefits. This is of course estimated based on the information about past and the present economic situation, but doesn't necessarily require that the applicant has had the secure means of support the whole time during the five years period . For example if he/she has been unemployed for some time in the past, but now has a steady job/business or a supporting family member in the similar situation, the LTR-permit may be issued.</p> <p>9.</p> <p>10. No</p> <p>11. N/a</p> <p>12. N/a</p> <p>13. No</p> <p>14. N/a</p> <p>15. N/a</p>
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			<p>16. Yes</p> <p>17. No Pursuant to Finnish law, the general time limit is not 12 months, but 2 years. So there is also a general derogation from the directive based on the article 9(2). There is also a second type of derogation. Before two years of absence is full, specific or exceptional reasons may be invoked by the permit holder using specific application. The applicant has to describe and substantiate those reasons. If the application is accepted, the decision states the period during which the LTR-permit will not be cancelled. The reasons may for example include temporary (but of course longer than 2 years) studies or employment or family members serious illness.</p> <p>18. Yes</p> <p>19. Same derogation based on specific or exceptional reasons applies also here, so the similar kind of application can be made here also.</p> <p>20. Yes</p> <p>21. If the residence period that enabled the applicant to have the LTR-permit was based on a refugee status or a subsidiary protection status and the status gets cancelled, because: 1) the applicant has, when applying for international protection, knowingly given false information which has affected the outcome of the decision; 2) the applicant has, when applying for international protection, concealed a fact that would have affected the outcome of the decision; or 3) the applicant should have been refused asylum under section 87(2-4) of the Aliens Act (for example exception clauses) or a residence permit under section 88(2) of the same law (exception clauses).</p>
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	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. Articles L. 314-8 to L. 314-8-2 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA) provide that in order to be issued the EU long-term residence permit, the foreign national must have regularly resided in France for 5 years with a temporary or multi-annual residence permit or a ten year residence permit (this period of 5 years can be reduced for holders of a European blue card or beneficiaries of international protection). Are excluded from the scope the foreign nationals holding one of the following residence permits:          Student          Intern          ICT trainee (third country nationals sent to France for internship within the framework of a temporary intra corporate transfer, "ICT")          Foreign nationals seconded to France on intra-group mobility (and members of their families)          Seasonal workers          Specific "retired" residence permit provided for people living in another country and wishing to make limited stays in France.          Foreign nationals who are members of diplomatic and consular missions with special cards issued by the Ministry of Foreign Affairs are also excluded from the scope.</p> <p>2. Yes</p> <p>3. According to Article R. 314-1-1° of the CESEDA, "periods of absence from the French territory are taken into account, in the calculation of the five years of uninterrupted legal residence, when each doesn't exceed six consecutive months and they don't exceed a total of ten months".          Regarding holders of a EU blue card, they can be on the territory of another EU Member State during these 5 years but they have to be in France during the 2 years preceding the request.          the "talent passport - EU blue card" residence permit, related to the transposition of Directive 2009/50 / EC, applies to TCNs with highly qualified jobs working in France and who require mobility within the EU.</p> <p>4. Seconded workers are not supposed to stay in France. Their employer, established abroad, seconds them for a temporary mission in France, which is not expected to last 5 years. Consequently, France has excluded seconded workers from the benefit of the EU long-term residence permit.</p>
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			<p>5. Article L.314-8-2 of the CESEDA authorizes refugees and beneficiaries of subsidiary protection to apply for the EU long-term residence permit after 5 years of legal stay in the territory. For the calculation of five years of uninterrupted legal residence, France takes into account the entire period between the filing of the asylum application and the issuance of the residence permit.</p> <p>6. In France, resources have to be at least equal to the minimum growth wage (SMIC) for a full time (1,539.42 € gross monthly on January 1, 2020). All own resources are taken into account for the calculation, except family benefits and the following allowances: allowance for young child (Paje), family allowances, family supplement, housing allowance, Education allowance for handicapped children (AEEH), Family support allowance (ASF), Back-to-school allowance (ARS), daily parental attendance allowance (AJPP), Active Solidarity Income (RSA), Specific support allocation (ASS). However, foreign nationals with allowance for disabled adults (AAH) or the supplementary invalidity allowance (ASI) don't have to fulfil the condition of sufficient resources.</p> <p>7. The documents required for the EU long-term residence permit are: passport (pages relating to civil status, validity dates and entry stamps) a valid residence permit proof of residence of less than 3 months 3 photos proof of uninterrupted stay in France over a period of 5 years (schooling certificate, tax notice, etc.) proof of own resources, sufficient, stable and regular for 5 years (pay slips, tax assessment, certificate of pension payment, bank certificate, property income, etc.) proof of republican integration (declaration on the honor respecting the principles governing the French Republic, test or linguistic certificate proving the level of knowledge of the French language) proof of health insurance: health insurance card or certificate of health insurance proof of payment of the tax for the residence permit and the tax stamp for the delivery of the residence permit to the prefecture (200 euros + 25 euros)</p> <p>8. Yes</p>
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			<p>9. Over the period of the five years preceding his/her request, the applicant has to justify his/her own, stable and regular resources sufficient . When the applicant's resources are not sufficient or are not stable, the instructing services may also take account: if the applicant proves to own his/her accommodation or being housed for free: therefore not having to face the expenses of housing can compensate his/her lower resources. if his/her economic situation changes favorably towards stable and regular incomes (example of a recently signed indefinite-term employment contract). The examination of these resources is both retrospective and prospective in order to prove that the past resources should still exist in the future.</p> <p>10. Yes</p> <p>11. The integration conditions are appreciated with regard to: the applicant's commitment to respect the French Republic principles effective compliance with these principles sufficient knowledge of French language The condition relating to sufficient knowledge of French is not applicable for applicant over 65 years.</p> <p>12. The administrative authority requests the mayor of the municipality where the applicant resides, for an opinion on his/her integration. Then in prefecture, he provides a sworn statement to respect the French Republic principles. Concerning the condition relating to the knowledge of French, the diplomas or certifications necessary to obtain a residence permit or a "EU long-term residence permit" card are the following: Certification attesting to a level of knowledge of French at least equivalent to level A2 of the Common European Framework of Reference for Languages (CEFR) ; Certification issued by a French authority, in France or abroad, attesting to courses followed in French; Language tests or certificates, issued by a certification organism recognized at national or international level, which establishes and validates the knowledge of the written and oral skills at least equivalent to level A2 of the CEFR.</p>
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			<p>13. No</p> <p>14.</p> <p>15.</p> <p>16. No</p> <p>17. This condition hasn't been formally transposed into the CESEDA. However, French competent services in charge of processing EU long term residence permit applications can appreciate the situation and consider the same kind of elements as for permanent residence of EU citizens, such as: pregnancy, childbirth, serious illness, training or secondment abroad for professional reasons. The length of stay outside the territory may be longer than the three years provided for by law according to specific situations considered on a case-by-case.</p> <p>18. Yes</p> <p>19. Article R. 314-1-1° of the CEDESA indicates that "The period mentioned above may be extended if the person concerned requests it, either before leaving France or during his/her stay abroad".</p> <p>20. Yes</p> <p>21. The EU long-term residence permit issued on the ground of international protection may be withdrawn when s/he loses the refugee status or subsidiary protection. The foreign national may have lost his/her protection when: the circumstances which justified the granting of this protection have ceased to exist or the circumstances have changed significantly and in a sustainable manner so that s/he no longer requires any protection; or when the decision to grant this protection was the result of fraud. This protection can also be withdrawn when the beneficiary:</p>
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			<p>has committed a crime against peace, a war crime or a crime against humanity;                  is guilty of acts contrary to the purposes and principles of the United Nations;                  represents a serious threat to public order, public security or the security of the State.</p>
	<p>EMN NCP                  Germany</p>	<p>Yes</p>	<p>1. - if residence is permitted under international public law or because of humanitarian or political reasons.                  - pupils (§ 16 AufenthG).                  - education and continuing education (§ 17 AufenthG (Residence Act)).                  - generally if the purpose of residence is of preliminary nature</p> <p>2. Yes</p> <p>3. - times of freedom of movement within the EU.                  - half of the time of residence for the purpose of studies or education.                  - in case of international protection the time between application and issuing the international protection.</p> <p>4. Up to six month this period is counted for the five years period.</p> <p>5. Germany considers the total period.</p> <p>6. Resources are stable regular and sufficient if the foreigner                  - complies with its fiscal duties.                  - has payed contributions for retirement pension.                  - and its dependents are covered by insurance for the cases of disease and care and                  - obtains its regular income from an employment, which he is allowed to exercise</p> <p>7. - Evidence for fullfilment of the obligation to enter with passport and visa.</p>


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			<ul style="list-style-type: none"> <li>- Evidence for achieving 5 years of living legally and without interruption on national territory.</li> <li>- Evidence for assured living costs.</li> <li>- Evidence for payment of contributions for retirement pension.</li> <li>- Evidence for an insurance for the cases of disease and care.</li> <li>- Evidence for sufficient skills of german language as well as basic knowledge of german legal system and social order.</li> <li>- Evidence for appropriate accomodation.</li> <li>- Evidence for omission of interests of expulsion.</li> </ul> <p>8. No</p> <p>9. n/a</p> <p>10. Yes</p> <p>11. - sufficient skills of German language. - basic knowledge of legal system, social order and living and conditions.</p> <p>12. - sufficient skills of german language: level B1 GER (Common European Reference Frame). - basic knowledge of legal system, social order and living and conditions: it is required to do the test according to the certificate of the national integration course (orientation level) or a graduation of a German secondary school.</p> <p>13. Yes</p> <p>14. Appropriate accommodation corresponds to the level of council housing and requires 12 sq.m. for each family member above the age of six years and 10 sq.m. for each family member below the age of six years, additional to secondary rooms (kitchen, bathroom). Children below the age of two years do not count.</p> <p>15. Hiring contract.</p>
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			<p>16. No</p> <p>17. n/a</p> <p>18. Yes</p> <p>19. The status is retained, if the LTR has stayed for 15 years lawfully in the national territory, his /her living costs are assured and there is no interest of expulsion. if the LTR fulfills its compulsory military service and returns 3 months after discharge if the LTR leaves the national territory because of a reason which is of a preliminary nature or the stay out of the national territory is in the interest of Germany if a minor is forced to matrimony and prevented to return (up to 3 months after omission of the enforcement, maximum 10 years after leaving the national territory)</p> <p>20. No</p> <p>21. n/a</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. In general, from the long term resident status are excluded third country nationals who:</p> <ul style="list-style-type: none"> <li>(a) Have a residence permit for the purposes of study or vocational training</li> <li>(b) Have been granted a permit of residence in Greece on the basis of temporary protection or are requesting authorisation to reside on that basis and are awaiting a decision on their status</li> <li>(c) Have been granted a permit of residence in Greece on the basis of forms of protection other than international protection, according to international obligations or national laws, or request authorisation to reside on that basis and are awaiting a decision on their status</li> <li>(d) Have applied for international protection status but a decision has not been issued yet.</li> <li>(e) Have a temporary residence status, according to the provisions of the migration legislation.</li> </ul>

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			<p>(f) Enjoy legal status subject to the Vienna Convention on Diplomatic Relations of 1961, or the Vienna Convention on Consular Relations of 1963.</p> <p>2. No</p> <p>3.</p> <p>4. National legislation does not provide for such a possibility. Periods of absence relating to provision of cross-border services or to secondment for employment purposes are not taken into account in the calculation of the 5 years period.</p> <p>5. The 50 % rule is applied in the migration legislation as long as the period between the application date for international protection and the date of issuance of the residence permit does not exceed the 18 months. If the total duration is over 18 months, then the totality of the period is taken into account.</p> <p>6. The applicants shall provide evidence of income that is sufficient to cover their needs and the needs of their family and is earned without recourse to the country's social assistance system. This income cannot be lower than the annual income of an employee on minimum wage, pursuant to national laws, increased by 10% for all the sponsored family members, also taking into account any amounts from regular unemployments benefits. The minimum wage, per month, is set at 650 €. The contributions of family members are also taken into account for the calculation of the income. The regularity of the above income is mainly proven by the fulfillment of their social insurance and tax obligations.</p> <p>It is under consideration how the instructions to the immigration authorities can be reviewed in order to take into account the recent judgment of the Court of the EU (C- 302/18).</p> <p>7. A copy of the most recent income tax statement or other formal document prior to the submission of the relevant application which attests to an amount of available income that is equal to the annual lowest pay, in accordance with national legislation, increased by 10% for all the members of his/her family as a total.</p> <p>A certificate issued by the insurance body providing full coverage of health care for the third country</p>
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			<p>national and protected members of his/her family.                  A copy of a residence purchase contract or a house rental agreement certified by Tax Office                  Special certificate of sufficient knowledge of the Greek language and elements of Greek history and civilization of the General Secretariat for Lifelong Learning or                  Graduation certificate of at least compulsory education from a Greek school in Greece or                  Graduation certificate from a high school of a foreign country which belong to the Greek educational system or                  A recognised graduation certificate from a Greek Language Faculty of a foreign University or a certificate proving knowledge of the Greek language of at least in B2 level or                  Permanent Residence Permit of a Greek national's family member or                  Relevant recommendation from a naturalization committee of Article 12 of the Greek citizenship Code or                  Proof of a legal twelve-year residence in Greece at the time the application is submitted</p> <p>8. No</p> <p>9.</p> <p>10. Yes</p> <p>11. The conditions for the integration of a third country national into Greek society are met in the following cases:                  (a) TCNs produce evidence of sufficient knowledge of the Greek language, elements of Greek history and Greek culture, or                  (b) they are holders of a permanent residence card as family members of a Greek national, or                  (c) a naturalisation committee referred to in Article 12 of the Greek Nationality Code has made a recommendation, pursuant to Article 5A(2) of the Code,                  or                  (d) they have resided in Greece lawfully for twelve (12) years.</p> <p>12. see Q11a</p>
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			<p>13. Yes</p> <p>14. See below</p> <p>15. Copy of copy of a residence purchase contract or a house rental agreement certified by Tax Office.</p> <p>16. No</p> <p>17.</p> <p>18. No</p> <p>19.</p> <p>20. Yes</p> <p>21. An application for the renewal of international protection status is withdrawn or rejected pursuant to Articles 14 (3) and 19(3) of Directive 2011/95/EU. In cases of withdrawal or non-renewal of the international protection status of a holder of a long-term resident residence permit, the Asylum Service notifies the General Secretariat for Migration Policy or the competent Directorate of the decentralised administration which has issued the long-term residence permit.</p>
	EMN NCP Hungary	Yes	<p>1. An EC permanent residence permit may not be issued to a third-country national:</p> <ul style="list-style-type: none"> <li>• whose residence in the territory of Hungary constitutes a threat to public security or national security;</li> <li>• who is subject to expulsion or exclusion from the territory of Hungary, or for whom an alert has been issued in the SIS for the purpose of refusing entry and the right of residence;</li> </ul>



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			<ul style="list-style-type: none"><li>• who has supplied false information or untrue facts in the interest of obtaining the permit, or misled the competent authority;</li><li>• who is residing in the territory of Hungary in order to pursue studies in an institution of higher education or vocational training;</li><li>• who is residing in the territory of Hungary for the purpose of seasonal employment or voluntary service activities;</li><li>• who is residing in the territory of Hungary under diplomatic or other personal immunity;</li><li>• who applied for refugee status to the Hungarian refugee authority, or requested any subsidiary form of protection or temporary protection from the refugee authority, pending a definitive decision of the application;</li><li>• who has been recognized as exiles;</li><li>• who is recognized by the Hungarian refugee authority or court, or by any Member State of the European Union as a refugee or who has been granted any subsidiary form of protection, on the basis of such status, if refugee status or subsidiary protection is no longer available; and</li><li>• who is under temporary protection.</li></ul> <p>2. Yes</p> <p>3. The following shall not be deemed as discontinuity of residence:</p> <p>a) in the case of a person who has lawfully resided in the territory of Hungary continuously for at least a period of five years before the application was submitted, temporary absence from the territory of Hungary of less than six consecutive months at any given time, if the combined duration of absence does not exceed three hundred days over a period of five years;</p> <p>b) in the case of a person who was issued an EU Blue Card, temporary absence from the territory of Member States of the European Union of less than twelve consecutive months at any given time, if the combined duration of absence does not exceed eighteen months over a period of five years.</p> <p>4. There are no specific conditions. Conditions shall be satisfied by any third country-national who have been residing in Hungary lawfully for five years without interruption up to the time at which they submit their application for EC permanent residence permit.</p>
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			<p>The following shall not be deemed as discontinuity of residence: in the case of a person who has lawfully resided in the territory of Hungary continuously for at least a period of five years before the application was submitted, temporary absence from the territory of Hungary of less than six consecutive months at any given time, if the combined duration of absence does not exceed three hundred days over a period of five years.</p> <p>5. The 5-year period of residence of a third-country national in the territory of Hungary under refugee status, or under any subsidiary form of protection or temporary protection shall be included in the 5-year duration. The 5-year period shall include half of the period between the time when the application for asylum of a third-country national recognized as a refugee or having granted any subsidiary form of protection is submitted until the time when the document on refugee status or subsidiary protection is issued. If the aforesaid period exceeds eighteen months, it shall be included in the time periods referred to in Subsection (1) in full.</p> <p>6. The third-country nationals applying for interim permanent residence permit, a national permanent residence permit or an EC permanent residence permit must have subsistence in the territory of Hungary secured.</p> <p>7. The following shall, in particular, be accepted as proof of subsistence in Hungary:</p> <ul style="list-style-type: none"> <li>- statement from a Hungarian credit institution concerning the applicant's savings account;</li> <li>- an authentic instrument or a private document representing conclusive evidence in proof of the applicant's financial assets (tangible or intangible) whereby to ensure subsistence in Hungary;</li> <li>- a certificate on the applicant's taxable income from employment or other similar relationship performed on a regular basis under Hungarian law;</li> <li>- an authentic instrument or other proof for the applicant's income from other gainful activity performed in Hungary on a regular basis;</li> <li>- a certificate issued by the employer and/or tax authority as proof of regular income received from abroad;</li> <li>- a notarised statement made by the family member residing in Hungary, promising support to the applicant along with a document in proof of the family member's ability to provide such support.</li> </ul>
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			<p>8. No</p> <p>9.</p> <p>10. No</p> <p>11.</p> <p>12.</p> <p>13. Yes</p> <p>14. A third-country national applying for an EC permanent residence permit has to register his/her first place of residence in Hungary – if he/she does not yet have a place of abode in Hungary – at the same time when filing the application.</p> <p>15. The third-country national has to enclose with the notification of place of residence a document in proof of his/her right or title to the residential property. The section of the notification (Appendix E) for registration of the place of residence has to be signed by the applicant and by the owner of the residential property, or by the landlord where applicable.</p> <p>The requirement of having a residence in Hungary may be verified by:</p> <ul style="list-style-type: none"> <li>• a residential lease contract in proof of the rental of a residence;</li> <li>• a document on accommodation by courtesy;</li> <li>• a document in proof of ownership of the residential property, by means of a certified copy of title deed issued within 30 days to date;</li> <li>• a notarised statement made by a family member with the right of residence in Hungary as holding a long-term visa or residence permit, with immigrant or permanent resident status, holding a residence card or a permanent residence card in accordance with specific other legislation, or with refugee status, promising lodging to the applicant; or</li> </ul>
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			<ul style="list-style-type: none"> <li>• a real estate sales contract and a copy of the decision of the competent Budapest or county government agency granting permission for the acquisition of a real estate property;</li> <li>• other documents.</li> </ul> <p>16. No</p> <p>17. The immigration authority shall withdraw the EC permanent residence permit in the following cases:  a) the third-country national was absent from the territory of the Community for a period of over twelve months;  b) the third-country national was granted long-term resident status in another Member State of the European Union;  c) the third-country national was absent from the territory of Hungary for a period of over six years  (2) Any third-country national whose EC permanent residence permit the immigration authority has withdrawn under above mentioned a)-c) cases, shall be granted a new EC permanent residence permit when re-applying, without checking the condition of lawful residence during 5 years.</p> <p>18. No</p> <p>19.</p> <p>20. Yes</p> <p>21. The immigration authority may withdraw the EC permanent residence permit if the third-country national no longer enjoys refugee status or subsidiary protection.</p>
	EMN NCP Ireland	Yes	<b>1. Introductory note to the Ad hoc queries on Irish context</b>

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			<p><b>NB: Ireland does not participate in the EU Directive 2003/109/EC on Long Term Residents, and consequently EU LTR is not applicable to Ireland. Any answers to these AHQs will be regarding national rules on long-term residence.</b></p> <p>Ireland currently operates two administrative immigration schemes relating to long-term residents - Long Term Residents Scheme and the Without Condition as to Time scheme. There were 145 applications for the Long Term Residents Scheme in 2018 and 41 grants of permission under this scheme.</p> <p>The <i>Migrant Integration Strategy A Blueprint for the Future</i> covering the period 2017 – 2020 committed to introducing a statutory scheme for long term residence.</p> <p>However, following a scoping exercise conducted in 2016, it was decided to recommend, as an interim measure, the introduction of an administrative scheme rather than one on a statutory footing. The scoping exercise examined the list of categories and length of time required before being eligible for long-term residency; qualifying criteria; process; terms and conditions; and permission granted. As part of this process, the Irish Naturalisation and Immigration Service (INIS) considered the UK Indefinite Leave to Remain scheme, with a view to its use as a potential template for any such scheme in Ireland.</p> <p>The <u>Long Term Residence Scheme</u> is only open to persons who have been residing for 60 months in the State on the basis of work/employment permit conditions. Successful applicants will be granted immigration Stamp 4 (open access to the labour market) for 5 years. There is an application fee of €500 for this scheme. In addition, the successful applicant will pay the normal immigration registration fee. Spouses/dependants of persons who have been successful in obtaining Long Term Residency on Stamp 4 conditions may also apply for long term residency. The same 60-month residency requirement as a spouse/dependant is required. The immigration permission which will be granted to the successful spouse/dependant is reliant on the original type of employment permit held by the primary applicant. Successful spouses of LTR holders who originally held Critical Skills Employment Permits will be granted 5 years permission on Stamp 1G with access to the labour market. In other cases, the successful spouse/dependant applicant will receive a Stamp 3 immigration permission which does not allow access to the labour market, and employment permit requirements apply.</p> <p>The <u>Without Condition as to Time scheme</u> is open to persons who have been residing in the State for 96 months. Time as a student in the State is not reckonable for this scheme. Applicants must not have come to the adverse attention of An Garda Síochána (national police), or be an undue burden on the State (undue burden on the State means a person who is in receipt of a social welfare payment that is</p>
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			<p>means tested or is not related to Pay Related Social Insurance (PRSI) contributions). Successful applicants will be granted permission until the expiry of their passport (up to ten years). There is no administrative fee for this scheme. The successful applicant will pay the normal immigration registration fee.</p> <p><b>Answer to question 1</b> Ireland does not participate in the EU Long Term Residents' Directive and consequently does not apply EU LTR.</p> <p><u>Long Term Residence Scheme</u> The exclusions in Ireland's national Long Term Residence scheme are as follows. In some cases, applicants may have entitlements under other administrative immigration schemes. The applicant has permission to remain on the basis of his/her marriage to an Irish national (applicants may have entitlements as a Spouse of Irish national) The applicant has permission to remain on the basis of his/her marriage to an EEA national (applicants may have entitlements under EU Treaty Rights) The applicant has permission to remain on student conditions The applicant has been made redundant and has been lawfully resident and worked for 5 years with an employment permit issued by the Minister for Business, Enterprise and Innovation or has been lawfully resident and has worked in accordance with an employment permit for less than 5 years and has been made redundant involuntarily. (applicants may have entitlements under the arrangements for redundant workers). The applicant has permission to remain under the Irish Born Child/Irish Born Child 05 schemes or has had such permission renewed. Note: The Irish Born Child schemes were historic schemes to regularise the status of Third Country Nationals with a child born in the State prior to the introduction of Sections 6A and 6B of the Irish Nationality and Citizenship Acts 1956, as amended, in 2005. Sections 6A and 6B introduced residency requirements for the parents of Irish born children relevant to the children's entitlement to Irish citizenship. Where sections 6A and 6B of that Act apply, a child born in the island of Ireland on or after 1 January 2005, has an entitlement to Irish citizenship if, at the time of the birth of the child, one of his or her parents had, during the period of 4 years immediately preceding the person's birth, been resident in</p>
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			<p>the island of Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years.</p> <p>The applicant was granted permission to remain under the Turkish Association Agreement (Under the Turkish Association Agreement a renewable one-year Stamp 4 immigration permission may be granted). The applicant was granted permission to remain under humanitarian permission to remain, refugee status, or entered the State under the Family Reunification Scheme.</p> <p>The applicant has permission to remain on the basis of an Intra-Company Transfer (this is a category of employment permit)</p> <p>The applicant is working at a foreign embassy in the State Working Holiday Authorisation is not counted for the purpose of long term residency The applicant holds only Green Card (Employment) Permits The applicant is currently resident in the State under Business Permission</p> <p><u>Without Condition as to Time Scheme</u> The following categories are not reckonable towards the 96 month residency requirement for the Without Condition as to Time scheme.</p> <p>Stamp 0 (Stamp 0 may be granted for a limited and specific stay in Ireland – it is a requirement that the person be self-sufficient) Student Temporary Registered Doctors Trainee Accountant Intra Company Transfer Spouse or dependent of an Intra Company Transfer Temporary visitors permission granted at the port of entry</p> <p>2. No</p> <p>3. <u>Clarification to question 2</u> <u>Long Term Residency</u></p>
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			<p>Entitlement to long-term residency is calculated based on the dates of the immigration stamps in the applicant's passport. Periods of time for which a person has not been legally resident in the State (no stamp in the passport) cannot be counted towards the entitlement to long-term residence. Holders of immigration stamps can enter and exit the State. Absences from the State on holidays or for business purposes are permitted, however, if there are large absences from the State, the applicant would not qualify.</p> <p><u>Without Condition as to Time</u> The permission is granted on the basis of genuine evidence that the applicant has been residing in the State for 96 months. The 96 months residence is calculated based on immigration stamps in the applicants' passport.</p> <p>4. N/A</p> <p>5. Persons with refugee status are not eligible to apply under the Long Term Residence Scheme. Persons with refugee status are not precluded from applying for a Without Condition as to Time permission. Eligibility for these schemes is calculated based on immigration stamps in the applicant's passport, denoting a category of legal residence attracting a residence permit. Time spent as a protection applicant in the State (during which the applicant receives a Temporary Residence Certificate under section 17 of the International Protection Act 2015) is not reckonable for these schemes.</p> <p>6. <u>Long Term Residence</u> The reckonable time in the State in order to be eligible for this scheme is on the basis of a work/employment permit, which implies that the applicant is self-sufficient. <u>Without Condition as To Time</u> It is a condition that the person is not an undue burden on the State. Undue burden on the State means a person who is in receipt of a social welfare payment that is means tested or is not related to Pay Related Social Insurance (PRSI) contributions.</p> <p>7. <u>Long Term Residence</u></p>
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			<p>Copy of applicant's employment/work permits                  Copy of applicant's Certificate of Registration, i.e. Irish Residence Permit (prior to 11 December 2017 Garda National Immigration Bureau (GNIB) card).                  Copy of applicant's passport(s) showing all endorsements.</p> <p><u>Without Condition as to Time</u>                  Completed application form                  Full colour copy of past and current passport showing all immigration permissions to be in the State                  A copy of the Irish Residence Permit (IRP) or GNIB Card                  Applicants are requested to submit financial documentation proving continuous residence in the State. This may include copies of tax returns and other State issued documents (poor quality documentation will be rejected)</p> <p>8. Yes</p> <p>9. Long term residence applications are assessed on 60 months' reckonable residence based on employment permits which imply stable and sufficient resources for the whole period. Without Condition as to Time applications involve assessment of financial documentation providing continuous residence in the State. Applicants cannot be an undue burden on the State.</p> <p>10. No</p> <p>11. N/A</p> <p>12. N/A</p> <p>13. No</p> <p>14. N/A</p> <p>15. N/A</p>
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			<p>16. No</p> <p>17. <u>Clarification to question 16</u> <u>Long Term Residence</u> There is no specified time frame and it is assessed on a case by case basis. If a person just returns home for a number of years, the LTR permission will not be renewed. However, if the applicant could demonstrate that they returned home to undergo medical treatment, the permission would likely be renewed.</p> <p><u>Without Condition as to Time</u> Continuous residency is a condition of the Without Condition as to Time permission. Absences from the State in the ordinary course of holidays, family or work commitments cannot exceed 4 months in a year. Continuous residence is defined as: "Reside continuously in the State means that you have lived in the State full time for the period you were granted permission (shown by the stamps in your passport). You may only be out of the State for short periods including holidays, family emergencies, or work commitments outside the State arising from business or employment carried out within the State."</p> <p>18. No</p> <p>19. See answer to question 17.</p> <p>20. No</p> <p>21. N/a</p>
	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. According to Article 9, paragraph 3, of Legislative Decree on Immigration N. 286/98 (Testo Unico – T.U.), it's not possible to apply for the EU long-term resident status (LTR) in the following cases:</p>

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			<p>study purposes, vocational training or scientific research; temporary protection; application for international protection; short-term residence permit; in case a diplomatic, official and service passport is owned, or a laissez-passer issued by international organizations of a universal character is held.</p> <p>2. Yes</p> <p>3. The absence of the third country national from the national territory does not interrupt the duration of the 5-year period and is included in the calculation of the same period when it is less than six consecutive months and do not exceed a total of ten months in the five-year period, unless that interruption has depended on the need to fulfill military obligations, on serious and documented health reasons or on other serious and proven reasons. According to Article 9, paragraph 6 (T.U.), the exceptional cases that justify an absence shorter than six consecutive months and not exceeding in total 10 months, are the following:</p> <ul style="list-style-type: none"><li>-military obligations;</li><li>-serious and certified health issues;</li><li>-other serious reasons supported by evidence.</li></ul> <p>4. In case of absences from the European Union, the calculation can, if necessary, be carried out by checking the entry and exit stamps from the EU territory. In case of absence from the Italian territory for residence within the EU territory, the calculation is not feasible. However, it is taken into account if the foreigner has regularly renewed his temporary residence permit in the 5 years preceding the permit application for long-term residents, approving the requisites required for the renewal</p> <p>5. The 50% rule is therefore not applied. The calculation of the period of stay (5 years), for the release of the EU residence permit for long-term residents, is carried out starting from the date of presentation</p>
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			<p>of the application for international protection on the basis of which international protection has been recognized.</p> <p>6. To be eligible for a LTR status, in Italy a foreigner is required to prove a minimum income that is equivalent to the annual welfare allowance (Article 9, paragraph 1, T.U.). In 2019, the annual amount foreseen was €5.953,87.</p> <p>In case of one or more dependent family member, the annual income is equal to the amount of the welfare allowance, increased by 50% for each family member.</p> <p>In case of two or more dependent children under the age of 14, the annual income is equal to the double amount of the welfare allowance (Article 29, paragraph 3b, T.U.).</p> <p>To calculate the minimum amount, it is further considered the annual income of all family members living with the applicant.</p> <p>7. The following documents must be attached to the application (i.e. Module 1 and Module 2): photocopy of passport or other current and valid equivalent document, with visa, if required; a photocopy of the valid residence permit; a certificate which records if there are still undefined criminal proceedings; a registration certificate which attests if you have had or not convictions for criminal proceedings; a certificate of residence and family situation; a photocopy of the income tax return (CUD/Unico) related to the previous fiscal year or the copies of payslips for the current year; a photocopy of suitable accommodation certificate if the application is submitted also for family members; a certificate attesting the successful completion of the Italian language test (level A2). Moreover, the applicant is requested to provide the postal slip certifying payment of the electronic residence permit (€30,46) and a revenue stamp (€16,00). The delivery of the registered mail has a service cost of €30,00.</p>
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			<p>8. No</p> <p>9.</p> <p>10. Yes</p> <p>11. Italy requires TCN applying for a LTR status to meet the language requirement. According to Article 9, paragraph 2-bis (T.U.), the applicant for the status of long-term resident must prove that he has passed an Italian language test, whose procedures are jointly defined by the Ministry of the Interior and the Ministry of Education, University and Research.</p> <p>International protection holders, dependent children under the age of 14 and individuals affected by serious speech and language impairment (certified by a Health and Safety structure) are exempted from taking the Italian language test.</p> <p>According to Article 9, paragraph 2-bis (T.U.), the applicant for the status of long-term resident must prove that he has passed an Italian language test, whose procedures are jointly defined by the Ministry of the Interior and the Ministry of Education, University and Research.</p> <p>International protection holders, dependent children under the age of 14 and individuals affected by serious speech and language impairment (certified by a Health and Safety structure) are exempted from taking the Italian language test.</p> <p>12. The Legislative Decree of the 4th of June 2010 defines the criteria related to the language requirement. In accordance with Article 2, an applicant shall prove to have a minimum knowledge corresponding to an A2 Level based on the Common European Reference Framework.</p> <p>13. Yes</p> <p>14. To be eligible for a LTR status, in Italy a foreigner is required to provide evidence of an appropriate accommodation that falls within the minimum parameters laid down by the regional laws on public housing (Article 9, paragraph 1, T.U.).</p>
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			<p>International protection holders are exempted from providing evidence of appropriate accommodation but are required to indicate the place of residence (Article 9, paragraph 1-ter, T.U.). An accommodation is “appropriate” if it complies with hygienic and sanitary as well as dwelling suitability requirements, as certified by the relevant local office of the Municipality (Article 29, paragraph 3a, T.U.).</p> <p>15. An applicant is required to provide a certificate related to a suitable accommodation. The certification is conducted by the relevant local office of the Municipality.</p> <p>16. No emn_ahq_2019.98_a.16.docx</p> <p>17. N/A</p> <p>18. No</p> <p>19. N/A</p> <p>20. Yes</p> <p>21. Except the cases referred to in paragraphs 4 and 7 , the EU residence permit for long-term residents issued to holders of international or subsidiary protection is refused or revoked in cases of revocation or cessation of the refugee status provided for in articles 9, 13 , 15 and 18 of the legislative decree 19 November 2007, n. 251. There is no possibility for the foreigner, in cases of termination referred to in articles 9 and 15 of the same legislative decree, to obtain an EU residence permit for long-term residents, updated with the cancellation of the annotation of which in paragraph 1-bis (international protection recognized by Italy ...) or a permit of stay for another reason in the presence of the requirements provided by this consolidated text. Art. 9. Termination 1. A third country nationals ceases to be a refugee when: a) he has voluntarily again availed himself of the protection of the country of which he is a citizen; b) having lost citizenship, voluntarily repurchased it; c) has acquired Italian citizenship or other citizenship and enjoys the</p>
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			<p>protection of the country of which he acquired citizenship; d) has voluntarily re-established in the country he left or did not return due to fear of being persecuted; e) can no longer renounce the protection of the country of which he is a citizen, because the circumstances that led to the recognition of refugee status have ceased; f) in the case of a stateless person, he is able to return to the country in which he had his habitual residence, because the circumstances which led to the recognition of refugee status ceased to exist.</p> <p>Art. 13. Revocation of refugee status 1. Without prejudice to the refugee's obligation to disclose all relevant facts and to produce all relevant documentation in its possession, the revocation of a third country national's refugee status is adopted on an individual basis , if, after the recognition of refugee status, it is ascertained that: a) the conditions set out in article 12 are satisfied; b) the recognition of refugee status has been determined, exclusively, by facts presented incorrectly or by their omission, or by resorting to a false documentation of the same facts.</p> <p>Article 12. Refusal of refugee status 1. On the basis of an individual assessment, refugee status is not recognized when: a) in accordance with the provisions of articles 3, 4, 5 and 6, the conditions of referred to in articles 7 and 8 or the exclusion causes referred to in article 10 exist; b) there are reasonable grounds to believe that the foreigner constitutes a danger to the security of the State; c) the foreigner constitutes a danger to public order and security, having been condemned with a final sentence for the crimes provided for by article 407, paragraph 2, letter a), ((of the code of criminal procedure or by articles 336, 583, 583-bis, 583-quater, 624 in the aggravated hypothesis referred to in Article 625, first paragraph, number 3), and 624-bis, first paragraph, of the Criminal Code. The offenses referred to in Article 407, paragraph 2, letter a), numbers 2), 6) and 7-bis), of the criminal procedure code, are also relevant in the non-aggravated cases)).</p> <p>Article 15. Termination 1. The termination of subsidiary protection status is declared on an individual basis when the circumstances that led to the recognition have ceased or have changed to such an extent that the protection is no longer necessary. 2. To produce the effects referred to in paragraph 1, the changed circumstances must be of such a significant and non-temporary nature that the person admitted to the benefit of subsidiary protection is no longer exposed to the actual risk of serious damage referred to in Article 14 and there must be no serious humanitarian reasons that prevent the return to the country of origin. 2-bis. The provision referred to in paragraph 1 does not apply when the holder of subsidiary protection can give imperative reasons arising from previous persecutions such as to refuse to avail himself of the protection of the country of which he is a national or, in the case of</p>
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			stateless persons, of the country in which was the usual residence. 2-ter. For the purposes of paragraph 2, every return to the country of origin is significant ((, where not justified by serious and proven reasons)).
	EMN NCP Latvia	Yes	<p>1. The period of continuous residence shall not include the period when a third-country national has resided in the Republic of Latvia with or without a visa in accordance with the procedures laid down in international agreements binding upon the Republic of Latvia or in legal acts of the European Union, has received a residence permit for a short period of time (for example, as an au pair, seasonal worker, worker posted by a service provider in order to ensure the provision of international services, or as a provider of international services) or has resided in the Republic of Latvia in accordance with the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, the Convention on Special Missions of 1969, or the Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character of 1975, as well as the period when a third-country national was in a deprivation of liberty institution.</p> <p>2. Yes</p> <p>3. Force majeure Serious health conditions. Exceptions allowed by the Directive 2003/109 concerning the absence of the EU Blue Card holders due to the commercial activities carried out in the countries of their origin.</p> <p>4. Work is not considered as justified reason for absence.</p> <p>5. Legislative acts of Latvia contain 50% rule and it is considered when taking a decision in case of beneficiary of international protection. Latvia has not extended this period.</p>




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			<p>6. Here is an excerpt from Latvian legislative act (Law on a Status of the Long-term Resident of the European Union in the Republic of Latvia): sufficient subsistence provision - a regular (at least during the last 12 months) and stable monthly income in the amount of at least one minimum monthly wage (for regular working hours) or a pension granted to a person in the Republic of Latvia. If a person has dependent family members thereof, then, sufficient subsistence provision shall be the regular and stable monthly income of the person in the amount of at least one minimum monthly wage for himself or herself and for each family member</p> <p>7. Certificate on salary from applicant's employer or excerpt from bank account etc. Information on salary is checked by Office of Citizenship and Migration Affairs using data warehouse of State Revenue Service.</p> <p>8. No No, only last 12 months.</p> <p>9. N/A.</p> <p>10. Yes</p> <p>11. Knowledge of state language.</p> <p>12. State language exam passed, level 2A certificate obtained.</p> <p>13. No</p> <p>14. N/A.</p> <p>15. N/A.</p> <p>16. Yes</p>
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			<p>17. The status shall not be deprived if the reason of absence has been circumstances beyond control of a third-country national or it is related to receiving an education.</p> <p>18. Yes</p> <p>19. The status shall not be deprived if the reason of absence has been circumstances beyond control of a third-country national or it is related to receiving an education.</p> <p>20. Yes</p> <p>21. In any case mentioned in the question 20. In practice there have not been any cases like that.</p>
	EMN NCP Lithuania	Yes	<p>1. According to Article 53 The Law on the Legal Status of Aliens stipulates, that a long-term resident's permit in the European Union (hereinafter - EU LTR) is issued to an alien, if he has resided in the Republic of Lithuania uninterruptedly for the last five years holding a temporary residence permit. Thus, foreigners who were in Lithuania without a temporary residence permit in Lithuania (e.g. with visas) are not eligible for a EU LTR.</p> <p>2. Yes</p> <p>3. If an alien is seeking EU LTR residence permit because s/he lived in an EU Member State without interruption for the last 5 years, of which at least 2 years without interruption - in Lithuania, and had a temporary residence permit issued on the basis of a highly qualified job (EU Blue Card); proves that s/he has left for his country of origin to take up employment, to engage in any other lawful activities or to study, the period of residence shall not be interrupted by the time spent outside the territory of the Republic of Lithuania or any other EU Member State, provided that it does not last for more than 12 consecutive months and does not comprise more than 18 months within a five-year period.</p>

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			<p>4. In calculating the period of residence and determining whether the alien has not left the territory of Lithuania or another EU Member State respectively for a longer period than determined, account shall be taken, in each case, of all the circumstances relevant to the particular case, whether the alien has been convicted and the time spent serving the custodial sentence in Lithuania and in another EU Member State, as well as the alien's and his/her family member's:</p> <ul style="list-style-type: none"> <li>-period during which the place of residence was declared in Lithuania;</li> <li>-period of timed employed in Lithuania, period of study, internship, in-service training and professional training in Lithuania;</li> <li>-residence permits and visas issued by other States;</li> <li>-border crossing marks, foreign residence records and other entries and endorsements contained in the travel document;</li> <li>-data on crossing the Lithuanian state border;</li> <li>-the period of paying or receiving social benefits by the health care institutions in Lithuania, etc.</li> </ul> <p>5. Yes. According to Article 53 of The Law on the Legal Status of Aliens, when issuing a permanent residence permit to live in EU (EU LTR) to an alien who has been granted subsidiary protection in the Republic of Lithuania, the period of residence in the Republic of Lithuania shall include 50% of the period between the application date for international protection and the date the residence permit is issued (or the totality if the duration is over 18 months).</p> <p>6. The Law on the Legal Status of Aliens stipulates, that EU LTR may be issued to an alien provided that the alien has sufficient resources and / or receives regular income sufficient to live in Lithuania. The amount of the alien's means of subsistence shall be assessed in the light of the amount of the means of subsistence in Lithuania determined by the Minister for Social Security and Labour, which may be considered sufficient for the alien applying for a residence permit to reside in Lithuania. The amount of means of subsistence in Lithuania which can be considered sufficient to cover one calendar month in Lithuania for an alien applying for a long-term resident's EU residence permit is 1 minimum monthly salary and half of it for an alien under 18 years of age.</p> <p>7. There is no list of documents proving that the foreign national has sufficient resources and/or receives regular income sufficient to live in Lithuania. Foreigners may submit an extract from a bank</p>
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			<p>account; When the foreign national is dependent on a family member, an undertaking (commitment) by that family member to support the foreign national and documents proving that he has sufficient resources and/or receives regular income which is sufficient for himself and for the alien to live in Lithuania, etc. If a foreigner works in Lithuania and bases his/her means of subsistence or income on wages, there is no need to submit any documents, as the amount of wages can be checked in the relevant information systems.</p> <p>8. No</p> <p>9. N/A</p> <p>10. Yes</p> <p>11. EU LTR may be issued if an alien has passed an examination in the state language and an examination in the principles of the Constitution of the Republic of Lithuania. These requirements does not apply to persons, who have reached the age of 75, persons whose capacity for work has been rated at 0-25% and persons for whom the level of special needs has been established in accordance with the procedure laid down by legal acts, as well as, persons with severe mental illnesses and aliens whose previous long-term resident's residence permit was withdrawn on the ground that he no longer resided in Lithuania for a certain period of time.</p> <p>12. In order to obtain a long-term residence permit, the person shall take an examination in the state language (consisting of two parts: a test and an interview). The knowledge of the State language is covered by the first State language proficiency category. A person who, for objective reasons (e.g. disability), is unable to take the test in writing may take it orally. Persons who have passed the first, second or third state language proficiency category by passing the state language exam and presenting a document certifying it are not required to take the state language exam. A person who has passed the state language examination takes the examination of the principles of the Constitution of the Republic of Lithuania (the examination is taken in writing (in the form of a test)). For objective reasons (e.g. disability), a person who is unable to pass a written examination may also take the oral examination.</p>
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			<p>13. No</p> <p>14. N/A</p> <p>15. N/A</p> <p>16. Yes</p> <p>17. Yes. If an alien, who obtained a EU LTR permit on that basis, that s/he has resided in a EU Member State uninterruptedly for the last five years, with at least two uninterrupted years in the Republic of Lithuania and holding a temporary residence permit, issued on the basis of highly qualified employment (EU Blue Card), proves that he has left for his country of origin to take up employment, to engage in any other lawful activity or to study, that period for him/her and his/her family members who are in possession of EU LTR permit is extended for up to 24 consecutive months.</p> <p>18. No</p> <p>19. N/A</p> <p>20. No</p> <p>21. N/A</p>
	EMN NCP Luxembourg	Yes	<p>1. Article 80 (2) of the amended law of free movement of persons and immigration (Immigration Law) states that the long-term resident status shall not be granted to any third-country national, regardless of the length of his/her stay on the territory, who:</p> <p>(a) enjoys a legal status governed by the provisions of the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations, the 1969 Vienna Convention on Special</p>

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			<p>Missions or the 1975 Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character;</p> <p>(b) has applied for international protection and his/her application has not yet given rise to a final decision;</p> <p>(c) is authorised to stay on the territory on the basis of a form of protection other than international protection or on the basis of a temporary protection, or has applied for an authorisation to stay on that basis pending a decision on his/her status;”</p> <p>(d) is residing on the territory solely for reasons of a temporary nature as a seasonal worker or as a posted or transferred salaried worker, or where the validity of his/her residence permit is formally limited;</p> <p>(e) is residing on the territory in order to pursue studies or vocational training.</p> <p>2. Yes</p> <p>3. In accordance with article 80 (5) of the Immigration Law, the periods of absence above the six-consecutive months may, upon request, in justified cases of specific or exceptional reasons of a temporary nature, such as pregnancy and childbirth, serious illness, studies or vocational training, posting for work reasons, transferees (ICTs) be extended to a maximum of 12 consecutive months.”</p> <p>4. See answer to Q.3.</p> <p>5. Article 80 (3) paragraph 3 of the Immigration Law states that in regard to persons granted international protection, at least one half of the period between the date of submission of the application for international protection on the basis of which that international protection was granted and the date of issue of the residence permit referred to in Article 57 (1) of the law of 18 December 2015 on international protection and temporary protection (Asylum Law), or the whole of that period if it exceeds eighteen months, shall be taken into consideration for the purposes of calculating the 5-years period foreseen in article 80 (1) of the Immigration Law.</p> <p>6. Article 81 (1) 1 of the Immigration Law establishes that the applicant must produce evidence showing that he/she has stable and regular resources sufficient to maintain him/herself and his/her family</p>
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			<p>members whom are his/her dependents without having recourse to the social assistance system, in accordance with the conditions and detailed provisions laid down by Grand-Ducal regulation. Article 8 (1) of the amended grand ducal regulation of 5 September 2008 establishing the criteria of resources and accommodation foreseen in the law of 29 August 2008 on free movement of persons and immigration states that the third-country national who applies for a long-term residence status must prove resources over the 5-year period before the introduction of the application that must be at least equivalent to the monthly amount of the social minimum salary for a non-qualified worker. The monthly social minimum salary amounts from the 1st January 2019 to 2.089,75€.</p> <p>7. Proof of stable, regular and sufficient financial resources will be proven by employment contract, tax return, salary slips for the 5 years preceding the application, assessed by comparison with the social minimum salaried for non-qualified workers.</p> <p>8. Yes</p> <p>9. Since the third country national declared financial income to the National Health Fund.</p> <p>10. Yes</p> <p>11. Article 81 (3) of the Immigration Law states that when examining an application for long-term resident status, the Minister shall take account of the degree of integration of the applicant. So there is a wide interpretation of the criteria on integration.</p> <p>12. In practice, the Directorate of Immigration applies a wide appreciation and it can be proven by any document proving the applicant's integration in the Luxembourg society (e.g.: certificate of language courses, club member card, testimonial evidence).</p> <p>13. Yes</p> <p>14. Article 81 (1) 2 of the Immigration Law requires that the applicant must have appropriate accommodation. The criteria is established by article 9 (1) and (2) of the amended Grand ducal</p>
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			<p>regulation of 5 September 2008 above mentioned which refers to the grand ducal regulation of 25 February 1979 to define what is adequate accommodation. In accordance with articles 4 and 5 of the amended Grand-ducal regulation of 25 February 1979 establishing the criteria of renting, health and hygiene which have to fulfil all rental accommodation, this accommodation must have a floor area of at least 12 m<sup>2</sup> for the first occupant and 9 m<sup>2</sup> per additional occupant, natural light entering through windows that can be opened and closed properly and which measure at least 1/10 of the floor area, heating, running water, electricity, etc.</p> <p>15. In order to prove appropriate accommodation the applicant must present either a valid rental agreement or the property deed.</p> <p>16. Yes</p> <p>17. It only applies for specific reasons. Article 83 (1) a) of the Immigration law states that the right to long-term resident status shall be lost in case of an absence from the territory of the Union for a period of 12 consecutive months, and of 24 consecutive months for a former holder of an EU Blue Card and his/her family members who have obtained the status of long-term resident – EU, except the absences referred to in Article 80(5) (see answer to Q.3.a).</p> <p>18. No</p> <p>19. N/A.</p> <p>20. No</p> <p>21. N/A.</p>
	<p>EMN NCP Malta</p>	<p>Yes</p>	<p>1. Maltese Legislation lists the following category of persons</p>



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			<p>(a) in order to pursue studies or vocational training;</p> <p>(b) on the basis of temporary protection in line with the Temporary Protection for Displaced Persons (Minimum Standards) Regulations, or have applied for authorization to reside on that basis and are awaiting a decision on their status;</p> <p>(c) on the basis of a form of protection, other than international protection or who have applied for authorization to reside on that basis and are awaiting a decision on their status;</p> <p>(d) who have applied for international protection and whose application has not yet given rise to a final decision;</p> <p>(e) solely on temporary grounds such as au pair or seasonal workers, or as workers posted by a service provider for the purposes of cross-border providers of services or in cases where their residence permit has been formally limited; and</p> <p>(f) who are enjoying legal status governed by international conventions on diplomatic and consular relations</p> <p>2. Yes</p> <p>3. Apart from the provisions, stipulated in Directive 2003/109, regarding persons who have been granted international protection the following exceptions are provided in Maltese legislation:</p> <p>by a further period of twelve months when such absence is due to:</p> <p>(i) health reasons;</p> <p>(ii) secondment by the employer of the third country national;</p> <p>(iii) business travel; or</p> <p>(iv) education or training purposes</p> <p>4. See reply to previous question.</p> <p>5. Maltese legislation applies the 50% rule and the whole period if it exceeds 18 months.</p> <p>6. The following applies in this respect:</p>
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			<p>Stable and regular resources which have subsisted for a continuous period of two years immediately prior to the date of application, declared with the pertinent tax authorities in Malta, which are sufficient to maintain himself and the members of his family without recourse to the social assistance system in Malta or to any benefits or assistance of any type payable under the Social Security Act, the Housing Authority Act and any other law providing any assistance of a social nature and which would be equivalent to, at least, the national minimum wage in Malta with an addition of another twenty percent of the national minimum wage for each member of the family:</p> <p>Provided that benefits or assistance payable under the Social Security Act or any other national legislation, which the third country national is entitled to claim as special assistance in order to meet exceptional, individually determined essential living costs, tax refunds granted on the basis of his income, or other income-support measures, shall be considered as part of his stable resources;</p> <p>▲</p> <p>7. The list of documents may be found at the following <a href="https://identitymalta.com/wp-content/uploads/2019/07/Checklist-for-the-a...">https://identitymalta.com/wp-content/uploads/2019/07/Checklist-for-the-a...</a></p> <p>8. No</p> <p>9.</p> <p>10. Yes</p> <p>11. in the last twelve months immediately prior to the application for long term resident status he has attended a course organised by the public employment service or any other competent authority of at least one hundred hours having as its subject matter the social, economic, cultural and democratic history and environment of Malta, and that he provides evidence certifying that he has attended at least one hundred hours of the lessons of</p>
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			<p>these courses with satisfactory attention and that he has achieved an examination pass mark of at least seventy five percent;</p> <p>has obtained a pass mark of at least sixty-five percent after being assessed by the competent authorities to have achieved the equivalent of Malta Qualifications Framework Level 2 in Maltese; and</p> <p>(c) provides evidence that the necessary fees charged in relation to the courses, examinations and certificates referred to above have been paid.</p> <p>12. See previous reply</p> <p>13. Yes</p> <p>14. Appropriate accommodation regarded as normal for a comparable family in Malta and which meets the standards as defined by the Ministry responsible for housing.</p> <p>15. A certificate by a warranted architect confirming that the applicant's accommodation is regarded as normal for a comparable family in Malta and meets the standards established by the Housing Authority;</p> <p>16. Yes</p> <p>17. Yes. Circumstances are considered on a case by case basis as provided for national legislation.</p> <p>18. Yes</p> <p>19. Yes. Circumstances are considered on a case by case basis.</p> <p>20. Yes</p>
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			<p>21. The circumstances are provided for in articles 10(1), 12 and 22 of the Refugees Act (Cap 420) <a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8...">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8...</a></p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Diplomatic, consular and supporting staff who have been sent to the Netherlands to work in embassies or international organisations are exempted from the ability to apply for a residence permit as long as they fall under the Vienna Convention on Diplomatic and Consular Affairs. When their diplomatic status has been lifted, TCN can apply for a residence permit, as long as their termination cannot be accredited to their own doing. (Art 3.5.1 handleiding Rijkswet Nederlanderschap). TCNs that have lawfully been living in the Netherlands prior to their employment at an embassy or international organisation within the Netherlands do fall under Directive 2003/109/EC (Art 3.5.2 handleiding Rijkswet Nederlanderschap). Individuals living on a student visa are not exempted from the EU LTR, but their total period of studying in the Netherlands only counts for 50% of the 5 year prior residency requirement.</p> <p>2. Yes</p> <p>3. For applicants who have legally been residing in the Netherlands for a period of at least 10 years before their 19th birthday (Art. 3.124 par. 1a, Vb) and applicants who have legally been residing in the Netherlands for a period of 5 years in total, and for whom the Netherlands is the most designated country according to the Minister's judgment (Art. 3.124, par 1b, Vb) are exempted from the 5 year requirement. An absence from the national territory can also be justified when the applicant has been temporarily posted in another MS for the reason of employment and for blue card holders who have been living abroad for a period not longer than 12 consecutive months and do not exceed a total of 18 months. (Art. 3.124 par. 1, 2b,c Vb).</p> <p>4. Periods spent as a temporarily posted worker from the Netherlands in another MS add up to the required 5 years.</p>

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			<p>5. No, when a residence permit is granted to the applicant, the starting date of the permit will be identical to the day on which the application has been lodged.</p> <p>6. The applicant needs to have an income of at least the minimum income (€1236,52 (for 2019) to be considered having a sufficient income for one person. The income can come from paid employment, social welfare for which contributions have been paid or the applicant's own capital. (Art. 3.74, par 1a. Vb) As regards to the criteria stability and, durability, this income has to last for at least 12 months after the permit has been issued. (Art. 3.75, par. 1,2 Vb) (Art. 3.19 par. A Vb.). At the time of the application, the applicant needs to have an employment agreement that is valid at least up until 12 months after the moment of the application. If the employment contract does not reach this 12 month period, the applicant will have to be able to proof he/she has had a sufficient income up until 3 years prior to the moment of the application. Within this period of three years, the applicant may not have been a burden to the welfare system for longer than 26 weeks. (Art. 3.75, par. 3). The means of income are listed in Art. 3.73 Vb in Dutch.</p> <p>7. The declaration from the employer as proof of solid employment or proof of sufficient income, proof of meeting the integration requirement.(<a href="https://ind.nl/Formulieren/6009.pdf">https://ind.nl/Formulieren/6009.pdf</a>)</p> <p>8. No</p> <p>9. N/A</p> <p>10. Yes</p> <p>11. Most TCN's are obliged to pass the civic integration exam within three years after they get a permit for a non-temporary purpose. This obligation is laid down in the Civic Integration act.</p> <p>12. The integration exam consists of several different components; a language test (reading, listening and speaking on A2 level), knowledge of Dutch society, the participation statement. This statement has to be signed by the applicant in the first year after the start of the three year period. The procedure consists of an introduction to Dutch core values by the municipality, followed by the signature of a</p>
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			<p>participation statement. The applicant states that he/shw will actively participate in Dutch society and declares that he/shw has been informed of, and will respect the values and basic rules of Dutch society. (<a href="https://ind.nl/en/Forms/3006.pdf">https://ind.nl/en/Forms/3006.pdf</a>)</p> <p>13. No</p> <p>14. N/A</p> <p>15. N/A</p> <p>16. Yes The LTR not lose his right as a long-term resident in case of absence from the EU territory when the LTR has stayed in the Schengen area, unless he has been absent from the Netherlands for more than 6 years. (Art. 3.127, par 1C, vb) In case the LTR is a former EU blue card holder, or a family member of a former blue card holder and has not stayed more than 24 months outside the Schengen area, the LTR does not lose his right of residence. (Art. 3.127, par 1D, vb)</p> <p>17. No</p> <p>18. Yes</p> <p>19. If a LTR TCN studies in another MS for more than 6 years.</p> <p>20. No</p> <p>21. N/A</p>
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	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. In accordance with the Act of 12 December 2013 on Foreigners (OJ of 2018 item 2094, as amended) initiation of the proceedings on granting long-term resident's EU residence permit is refused, if on the day of submitting the application for granting this permit, the foreigner:</p> <ol style="list-style-type: none"> <li>1) Stays on the territory of the Republic of Poland:             <ol style="list-style-type: none"> <li>a) illegally, or</li> <li>b) on the basis of Schengen visa authorizing only the entry on the territory of the Republic of Poland and residence on this territory issued in order to arrive due to humanitarian reasons, state's interest or international liabilities or</li> <li>c) to study or complete vocational training or</li> <li>d) in connection with the intention to undertake or continue education on the territory of the Republic of Poland, or</li> <li>e) in connection with obtaining residence permit for humanitarian reasons, permit for tolerated stay, asylum or temporary protection, or</li> <li>f) in connection with applying for granting international protection or asylum, or</li> <li>g) on the basis of temporary residence permit to perform work under the transfer within the enterprise or temporary residence permit in order to use long-term mobility of managerial staff, specialist or internship employee as part of an intra-corporate transfer or temporary residence permit owing to the circumstances requiring short-term residence, or</li> <li>h) on the basis of permit for crossing border under little cross-border traffic, or</li> </ol> </li> <li>2) Is the employee delegated by the service provider in order to cross-border provision of services or service provider performing cross-border services, or</li> <li>3) Is detained, placed in guarded centre for foreigners or is under preventive measure in the form of ban to leave the country, used against him/her, or</li> <li>4) Is imprisoned or is under temporary arrest, or</li> <li>5) Stays on the territory of the Republic of Poland after he/she was obliged to return and the term of voluntary return specified in the decision in this case has not elapsed, also in the case of extension of this period or</li> <li>6) Is obliged to leave the territory of the Republic of Poland for instance, in the case of refusal to grant or withdraw the residence permit or in the case of refusal to grant or withdraw the international protection or</li> <li>7) Stays outside the borders of the Republic of Poland.</li> </ol>
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			<p>Moreover, 5-year residence on the territory of the Republic of Poland does not include residence of the foreigner who is a member of diplomatic mission or consular office of another state, or other equivalent person, on the basis of acts, international agreements or commonly agreed international customs.</p> <p>2. Yes</p> <p>3. The absence may be caused by:</p> <ol style="list-style-type: none"><li>1) Performance of professional duties or provision of work outside the territory of the Republic of Poland by the foreigner under the contract concluded with the employer whose registered office is located on the territory of the Republic of Poland, or</li><li>2) Accompaniment of a foreigner referred to in point 1 by his spouse or minor child, or</li><li>3) Particular personal situation requiring the presence of the foreigner outside the territory of the Republic of Poland and lasting not longer than 6 months or</li><li>4) Trip outside the territory of the Republic of Poland in order to undertake internships or participate in classes, planned in the course of the studies at a Polish university.</li></ol> <p>4. The residence of the foreigner constituting the basis for granting long-term resident's EU residence permit is deemed uninterrupted, if none of interruptions last:</p> <ol style="list-style-type: none"><li>1) Not longer than 6 months and all interruptions do not exceed together 10 months in the case of the residence on the territory of the Republic of Poland;</li><li>2) Not longer than 12 months and all interruptions do not exceed together 18 months in the case of the residence of the foreigner on the territory of a Member State of the European Union holding temporary residence permit in order to perform work requiring high qualifications.</li></ol> <p>The above mentioned regulations to the extent to which stipulate maximum permissible periods of interruptions in the residence of the foreigner on the territory of the Republic of Poland shall not be applied, if the interruption was caused i.a. by performance of professional duties or provision of work outside the territory of the Republic of Poland by the foreigner under the contract concluded with the employer whose registered office is located on the territory of the Republic of Poland.</p> <p>5. 5-year residence on the territory of the Republic of Poland includes i.a. :</p>
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			<p>- the whole period of residence on the territory of the Republic of Poland in the course of proceedings for granting an international protection, if exceeded 18 months;</p> <p>- half of the period of residence on the territory of the Republic of Poland – in the case of a foreigner residing on the territory of the Republic of Poland in the course of proceedings for granting an international protection.</p> <p>6. Long-term resident's EU residence permit is granted to the foreigner, if he/she stays on the territory of the Republic of Poland legally and continuously for at least 5 years, directly before submitting the application and i.a. has the source of stable and regular source of income which is adequate to cover the subsistence costs for himself and dependent family members.</p> <p>When examining whether the foreigner meets the requirement the authority will assess the foreigner's income in the last 3 years prior to submission of the application and – in the case of foreigners who have temporary residence permit in order to perform work requiring high qualifications – last 2 years of residence in Poland, if previously resided in other EU member on the basis of the "EU Blue Card", issued in connection with granting residence permit in order to perform work requiring high qualifications.</p> <p>The amount of monthly income should be greater than the amount of income entitling to cash benefits from Social Security, mentioned in the Act of 12 March 2004 on social assistance (consolidated text, Journal of Laws of 2017, item 1769 as amended) with respect to the foreigner and each family member dependent on him/her (for a person who keeps a single household – in the amount higher than PLN 701 (165 EUR), for the person in the family – in the amount higher than PLN 528 (125 EUR)).</p> <p>7. Documents proving that the foreigner meets the above mentioned criteria.</p> <p>8. No</p> <p>9. N/A.</p> <p>10. Yes</p>
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			<p>11. The long-term resident's EU residence permit is granted to the foreigner, if he/she stays on the territory of the Republic of Poland legally and continuously for at least 5 years, directly before submitting the application and i.a. has confirmed command of Polish language.</p> <p>12. Command of Polish language is confirmed by one of the following documents:  1) Official certificate of the command of Polish language, mentioned in Article 11a of the Act of 7 October 1999 on Polish language (Journal of Laws of 2018, item 931 and 1669), at the level of language proficiency of at least B1;  2) Certificate of completion school in the Republic of Poland as defined by Article 2(2) of the Act of 14 December 2016 - educational law (Journal of Laws of 2018, item 996, 1000, 1290 and 1669) or university as provided for in the Act of 20 July 2018 - Law on higher education and science (Journal of Laws of 2018, item 1668, as amended) with Polish as language of instruction;  3) School-leaving certificate or university diploma with Polish as language of instruction abroad, equivalent to school or university as defined Article 2(2) of the Act of 14 December 2016 - educational law or Article 2(1)(1) of the Act of 20 July 2018 - Law on higher education and science, respectively.  The requirement of the command of Polish language shall not apply to minor foreigner's child who until the submission of the application for granting long-term resident's EU residence permit resident is not over 16 years of age.</p> <p>13. Yes</p> <p>14. When submitting the application, the foreigner presents the legal title to occupy a housing premise in which the foreigner intends to stay. The legal title to occupy the housing premise in which the foreigner intends to stay, shall not be regarded as the contract of lending for use, unless the party lending the property for use is the foreigner's descendant, ancestor, spouse, spouse's parents or his/her brother or sister.</p> <p>15. See point 14.a.</p> <p>16. No</p>
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			<p>17. N/A.</p> <p>18. No</p> <p>19. N/A.</p> <p>20. Yes</p> <p>21. Long-term resident's EU residence permit is withdrawn from the foreigner, if he/she was deprived of a refugee status or subsidiary protection, if long-term resident's EU residence permit was granted in connection with the residence on this territory on the basis of a refugee status or subsidiary protection.</p>
	EMN NCP Portugal	Yes	<p>1. In Portugal, long term resident status shall not be afforded to third-country nationals who:</p> <ul style="list-style-type: none"> <li>a) have residence authorisation for studies, non-remunerated professional traineeships or volunteer work;</li> <li>b) are authorised to reside in Portuguese territory under temporary protection, or have requested residence authorisation for this purpose and are awaiting a decision on their status;</li> <li>c) are staying in Portugal exclusively for reasons of a temporary nature as seasonal workers, workers posted by a service provider to provide cross-border services, or providers of cross-border services;</li> <li>d) benefit from a legal status under the Vienna Convention on Diplomatic Relations of 18 April 1961, or the Vienna Convention on Consular Relations of 24 April 1963.</li> </ul> <p>livro-sef-29019-c.pdf</p> <p>2. No</p> <p>3.</p>

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			<p>4. Periods of absence due to posting for work-related purposes, namely the provision of cross-border services, shall be taken into consideration in calculating the 5 years period.</p> <p>5. The 5 year period for beneficiaries of international protection is counted from the submission date of the request resulting in international protection.</p> <p>6. Means of subsistence shall be assessed by their nature and regularity, bearing in mind the level of minimum wages and pensions prior to the long-term resident status request. Namely, with reference to the guaranteed minimum monthly compensation (RMMG), legally fixed in 600 euros. Valorations per capita are set at 100% for the first adult; 50% for the second and other adults; and 30% for children and teenagers under 18 years old and dependente adult children.</p> <p>7. Portugal requires documents proving that the third-country national meets the eligibility conditions, together with a valid travel document or certified copy of it. The required documents are, namely:          Application form;          Two passport photos (except if the SEF delegation is equipped with image collection devices);          Valid travel document our authenticated copy of it;          Document proving the existence of stable and regular resources and sufficient resources are required to support themselves and their family members without resorting to the social assistance system;          Lodging proof;          Health insurance contract copy or National Health System coverage proof;          When applicable, basic Portuguese fluency proof, through the presentation of:          Qualifications certificate issued by a Portuguese public or legally accepted school, or;          Basic Portuguese course achievement certificate issued by the Portuguese Employment and Professional Education Institute or;          Basic Portuguese course achievement certificate issued by a Portuguese public or legally accepted school, or;          Basic Portuguese course achievement certificate, following a test of Portuguese as a foreign language, held in a Ministry for Education and Science recognised Evaluation Centre          Permission for SEF to consult the applicant's Portuguese criminal record;</p>
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			<p>When applicable, document proving absences were due to professional relocations, namely regarding crossborder services.                  Proof of compliance with tax authority and social security mandatory payments;                  Proof of legal and uninterrupted residency in national territory during the five years preceeding the request.</p> <p>8. No</p> <p>9.</p> <p>10. Yes</p> <p>11. Besides the 5 years residence, TCN applying for LTR status must have health insurance (or alike), accommodation and demonstrate fluency in basic Portuguese.</p> <p>12. Presentation of proof documents.</p> <p>13. No</p> <p>14.</p> <p>15.</p> <p>16. Yes</p> <p>17. Absences from the European Union territory for more than 12 consecutive months which are justified by specific or exceptional reasons shall not imply the loss of status, namely when the long-term resident has remained in the country of origin to carry out a professional or business activity, or an activity of a cultural or social nature.</p> <p>18. Yes</p>
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			<p>19. Absences from Portuguese territory for more than 6 consecutive years which are justified by specific or exceptional reasons shall not imply the loss of status, namely when the long-term resident has remained in the country of origin to carry out a professional or business activity, or an activity of a cultural or social nature.</p> <p>20. No</p> <p>21.</p>
	EMN NCP Slovakia	Yes	<p>1. Under the Act on Residence of Foreigners, following TCNs are excluded from the possibility to get a long-term residence:</p> <p>a) is an asylum seeker;</p> <p>b) is granted tolerated stay under art. 58 par. 3) (Tolerated stay shall mean a period of not more than 90 days during which a TCN who is a victim of THB and is at least 18 years of age decides whether to cooperate with law enforcement authorities in clarifying a trafficking offense; this period may be extended by 30 days at the request of a person authorized by the Ministry of the Interior),</p> <p>c) applied for temporary refuge (as outlined in the Asylum Act);</p> <p>d) is a „de facto refugee“, (for the purposes of the Asylum Act, a „de facto refugee“ is a foreigner who has been granted temporary refuge by the Ministry of the Interior of the Slovak Republic on the basis of a decision of the Government of the Slovak Republic - they are granted a tolerated stay)</p> <p>e) is granted temporary residence for the purpose of study,</p> <p>f) is granted temporary residence for the purpose of a special activity (an internship as a part of the higher education outside the territory of the Slovak Republic or within two years after the completion of university studies outside the territory of the Slovak Republic; activity resulting from programs of the Government of the Slovak Republic or from European Union programs; or of the Slovak Republic arising from an international treaty),</p>

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			<p>g) is granted temporary residence for the purpose of seasonal employment;  h) is staying in the territory of the Slovak Republic pursuant to Art. 23 par. 6 písm. b), c) or d) (i.e. is posted by an employer established in a Member State to the territory of the Slovak Republic as part of the provision of services provided by that employer; is employed in international public transport if posted to the territory of the Slovak Republic by his foreign employer; is employed for a specified period for the purpose of his/her training in the case of employment within labour shortage jobs and has submitted an application for temporary residence for the purpose of employment together with all the requirements pursuant to art. 32 for the same job), or  (i) enjoys diplomatic privileges and immunities in the territory of the Slovak Republic under international law.</p> <p>2. No</p> <p>3. N/A</p> <p>4. In case of posting of such person, or in the case of a person providing cross-border services in the EU, the period of uninterrupted residence shall include a maximum period of 6 consecutive months and a maximum period of 10 months during which TCN stayed outside the territory of the Slovak Republic after notifying the police department.</p> <p>5. The period of continuous residence shall include the period from the submission of the asylum application to the decision on asylum or subsidiary protection.</p> <p>6. A TCN may prove stable and regular resources in particular by following means: an employment contract, confirmation by the employer of the amount of wages paid, confirmation of the balance of the bank account held in his/her name, proof of receipt of pension. A TCN who, before applying for long term residence, has been granted a temporary residence permit for the purpose of family reunification or a family member of a recognized refugee or foreigner who has been granted subsidiary protection, may prove stable and regular resources by affidavit of the spouse, parent or person to whom s/he is entrusted to care, about the provision of financial and material security during his/her stay in the territory of the Slovak Republic together with the document according to the previous sentence.</p>
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			<p>7. A foreigner submits an application personally on an official form, only. The application for long-term residence must be submitted by the foreigner in person on an official form at the police department in the Slovak Republic only, together with the following documents, not older than 90 days:</p> <ol style="list-style-type: none"> <li>1. proof of fixed and regular income for the applicant and their family members to avoid being a burden for the Slovak social security system;</li> <li>2. proof of health insurance in Slovakia;</li> <li>3. proof of accommodation (only if the applicant's long-term residence expired or was cancelled due to legally stipulated reasons);</li> <li>4. valid passport and two identical colour photographs (3 x 3.5 cm); if the foreign national does not submit a valid passport, the application will not be accepted.</li> </ol> <p>8. No</p> <p>9. N/A</p> <p>10. No</p> <p>11. N/A</p> <p>12. N/A</p> <p>13. Yes Yes. The TCN shall attach to the application for long-term residence also documents, not older than 90 days confirming the provision of accommodation, only if the applicant's long-term residence expired or was cancelled due to legally stipulated reasons.</p> <p>14. Accommodation must meet the minimum requirements according to a special regulation, i.e. The living space of a lower standard apartment shall be at least 12 m<sup>2</sup> per user and 6 m<sup>2</sup> for each</p>
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			<p>additional person living in the household. Usable area of a lower standard apartment must be at least 15 m<sup>2</sup>.</p> <p>15. A document confirming the provision of accommodation means:  a) the affidavit of the foreigner about the ownership of the property,  b) a rental contract with the owner or user of the property and a document proving the authorization to use the property in the case of a rental contract with the property user;  c) confirmation of accommodation by the accommodation facility; or  d) affidavit by a natural person or legal entity on the provision of accommodation to a foreigner in the territory of the Slovak Republic and a document proving the authorization to use the real estate, in case of a affidavit by the real estate user.</p> <p>16. No</p> <p>17. No</p> <p>18. No</p> <p>19. N/A</p> <p>20. Yes</p> <p>21. The police department shall withdraw the long-term residence if the TCN's asylum has been withdrawn for reasons under a special regulation (i.e. there is a reasonable suspicion that the asylum seeker committed: a) an offense against peace, war crime or crime against humanity under the international treaties (b) a serious non-political offense outside the territory of the Slovak Republic before applying for asylum or subsidiary protection; or (c) is guilty of acts contrary to the purposes and principles of the United Nations. The provisions shall also apply to participants in the abovementioned acts, as well as to persons who have otherwise participated in such acts.), in case they have been granted long-term residence on the basis of asylum granted.</p>
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			<p>The police department shall cancel the long-term residence if the TCN's subsidiary protection has not been prolonged or the subsidiary protection has been revoked for reasons under a special regulation (see asylum) if s/he has obtained long-term residence on the basis of subsidiary protection granted. Also, in the cases, if the asylum was granted only on the basis of false data or falsified documents, or because the recognized refugee concealed facts essential for the reliable finding of the facts of the case.</p>
	EMN NCP Slovenia	Yes	<p>1. In accordance with Article 52(6) of the Foreigners Act (Official Gazette of RS, no. 1/18 - official consolidated text, 9/18 - corr. And 62/19 - odl. US) a permanent residence permit with LTR annotation on the card shall not be issued to a foreigner who has resided in the Republic of Slovenia legally and continuously for five years on the basis of a temporary residence permit for the purposes of study or vocational training or to a foreigner who, pending a decision on an application for a permanent residence permit, resides in the Republic of Slovenia on the basis of a temporary residence permit for the purposes of study, vocational training, seasonal work, as a posted worker or as a cross-border worker.</p> <p>The period of a foreigner's residence in the Republic of Slovenia on the basis of a temporary residence permit for seasonal work, work as a posted worker, as an intra-corporate transferee or as a cross-border worker, and the period of a foreigner's residence in the Republic of Slovenia as a person under temporary protection, shall not be included in the period for issuing a permanent residence permit with LTR annotation on the card.</p> <p>2. No</p> <p>3. /</p> <p>4. /</p>


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			<p>5. In accordance with Article 53a(1) of the Foreigners Act the five-year continuous legal residence in the Republic of Slovenia shall also include half of the period of the foreigner's residence in the Republic of Slovenia as an international protection applicant as specified in the Act governing international protection. If the period of a foreigner's residence in the Republic of Slovenia as an international protection applicant exceeds 18 months, the entire period of the foreigner's residence in the Republic of Slovenia shall be included in the five-year continuous legal residence.</p> <p>6. In accordance with Article 33(3) of the Foreigners Act a foreigner who wishes to permanently reside in the Republic of Slovenia must have sufficient means of subsistence during his or her residence in the country, or other guarantees that his or her means of subsistence will be provided, on a monthly basis, in an amount corresponding to at least the basic minimum income in the Republic of Slovenia (which is currently 402,18 EUR). In order to be issued a permanent residence permit, a foreigner may demonstrate compliance with the requirement of sufficient means of subsistence by assets earned through work, by labour or insurance rights, by income from property, capital and other sources, or with the help of those obliged to maintain him or her, by a scholarship, by income to which he or she is entitled in accordance with the Act governing family income and by income to which he or she is entitled on the basis of the Act governing the exercise of rights to public funds, or by funds in an account open with a bank or a savings bank in the Republic of Slovenia or abroad.</p> <p>7. /</p> <p>8. No A foreigner shall prove the fulfillment of the condition of sufficient means of subsistence with the means stipulated in the Article 33(3) of the Foreigners Act, which shall prove it by evidence of the funds received for the year before the year of the application for the issue of the residence permit, or for the year preceding the decision of the competent authority on the application for the issue of the residence permit.</p> <p>9. /</p> <p>10. No</p>
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			<p>11. /</p> <p>12. /</p> <p>13. No</p> <p>14. /</p> <p>15. /</p> <p>16. No</p> <p>17. /</p> <p>18. No</p> <p>19. /</p> <p>20. No</p> <p>21. /</p>
	EMN NCP Sweden	Yes	<p>1. Must have the intention of settling in Sweden so the following categories are excluded:</p> <p>Students</p> <p>Au-pairs</p> <p>Visitors with residence permit</p>

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			<p>2. No</p> <p>3. Not applicable</p> <p>4. No other exception than absences shorter than six consecutive months and not exceeding in total 10 months within the period of 5 years.</p> <p>5. The whole time period from application for protection status can be counted in order to access LTR.</p> <p>6. The applicant must be able to show that there will be regular resources for the future.</p> <p>7. Valid passport Documents stating regular funding.</p> <p>8. Yes</p> <p>9. Usually check of the resources for the previous five years, in order to make a forward-looking assessment. Including information from the Swedish Tax Agency.</p> <p>10. No</p> <p>11. Not applicable</p> <p>12. Not applicable</p> <p>13. No</p> <p>14. Not applicable</p> <p>15. Not applicable</p>
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			<p>16. No</p> <p>17. Not applicable</p> <p>18. No</p> <p>19. No, but if the LTR TCN returns it is possible to regain the status, under certain circumstances.</p> <p>20. No</p> <p>21. No – if a person is given LTR-status he/she will get permanent residence permit at the same time if he/she does not have that before.</p>
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