



AD HOC QUERY ON 2021.65 Follow-up on Start-ups

Requested by Barbara ORLOFF on 11 October 2021

Compilation produced on 1 February 2022

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden (22 in Total)

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1. Background information

In 2019 EMN carried out a study on Migratory Pathways for Start-Ups and Innovative Entrepreneurs in the European Union. It followed from the study that most Member States have a special start-up program in place or are planning to do so in the near future. As the start-up programs were relatively new in most of the MSs at the time the study was drafted, it did not thoroughly cover the issue of monitoring or follow-up of the start-ups.

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Hence, the Estonian Ministry of the Interior would like to know how the success and growth of the start-ups is evaluated after being approved as a participant in the programme and what are the legal procedures and consequences if the criteria are not met.

This ad-hoc query comprehends 11 questions, and it will count as two ad-hoc queries as it was approved by the co-chair of the AHQWG as all the questions are related and in most of the Member States will go to the same stakeholders. Also, the deadline for answering the query is of 6 weeks.

2. Questions

1. Does your MS's legislation foresee special visa/residence permit programme to facilitate the immigration of TCN start-up founders?

Available choices: Yes, No

2. If you answer yes to question 1, does your Member State have any framework (e.g. regulation, circular, administrative practice) for the evaluation of the start-up's success and growth after being approved as a participant in the programme? Yes/No. Please elaborate.

3. If you answer YES to question 2, how often is the evaluation carried out in order to determine whether the start-up has been successful and growing sufficiently? (e.g. once a year, quarterly, during visa and resident permit extension procedures etc.)

4. If you answer YES to question 2, what are the criteria for the evaluation of the start-up's success and growth? (e.g. economic results such as jobs created, investment generated, annual turnover, taxes generated etc.)

5. If you answer YES to question 2, which body will evaluate the success and growth of the start-up? (e.g. government institutions, police, special committee, tax and customs board etc.)

6. If you answer YES to question 2, once the relevant body carries out the evaluation, are the results notified to the start-up before taking the final decision? Yes/No.

Available choices: Yes, No

7. If you answer YES to question 2, in case the preliminary decision determines that the start-up's success and growth are insufficient, does the relevant body foresee a time frame in order for the start-up to improve? Yes/No. Please explain.

8. If you answer YES to question 2, what are the legal and practical consequences for the TCN founder of the start-up when the start-up is not meeting expectations? (e.g. withdrawal of the special visa/resident permit, administrative fine)

9. Can the decision foreseen in your answer to Q.8 be appealed? (please describe the procedure)

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10. Has your Member State detected any form of misuse by the TCN founders participating in the start-up programme? YES/NO. If yes, please describe.

11. If your Member State does not have any framework to evaluate the start-up's success and growth after being approved as a participant in the special programme, are there any plans to develop such evaluation criteria (e.g. monitoring or surveillance measures)?

We would very much appreciate your responses by **22 November 2021**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	No	1. Yes 2. Yes. After two years holding a residence permit „Red-White Red Card“, the start-up founder can apply for a renewal or a change of purpose for a residence permit „Red-White-Red Card plus“

¹ 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.

² 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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			<p>which enables free access to labour market (Art. 41a para 7a Settlement and Residence Act). The general granting requirements are examined first by the competent residence authority. If the requirements are met, the residence authority forwards the application to the competent regional branch office of the public employment service (Zuständige regionale Geschäftsstelle des AMS) for a required confirmation by way of a written expert opinion of the competent regional branch office of the public employment service after consultation with the regional directorate (Landesdirektion). Therein it is confirmed, whether the start-up founder meets the conditions pursuant to Art. 24 para 4 Aliens' Employment Act (see also answer to Q4). This confirmation will be forwarded to the competent residence authority.</p> <p>Generally, if the start-up founder holding a residence permit no longer meets the special requirements for the permit, it can be withdrawn as specified in Art. 28 para 5 Settlement and Residence Act (Spiegelfeld, Migratory pathways for start-ups and innovative entrepreneurs to Austria, 2019, p. 59).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>3.</p> <p>The evaluation will be carried out once</p> <ul style="list-style-type: none">• in a renewal procedure for the „Red-White-Red Card“ culminating in the issuance of a „Red-White-Red Card plus“ or• the change-of-purpose procedure for the issuance of a residence permit "Red-White-Red - Card plus". <p>The „Red-White-Red Card plus“ enables free access to labour market. Therefore an examination in accordance with Art. 24 para 4 Aliens' Employment Act is no longer a requirement. See also answer to Q4.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
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			<p>4. The start-up founder must employ at least two full-time workers, actually and personally exercise a significant influence on the management of the business, either achieved annual sales of at least € 200,000 or have been able to obtain further financing of at least € 100,000, <u>and</u> actually offer or develop an innovative product or an innovative service (Art. 24 para 4 Aliens' Employment Act).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. The competent regional branch office of the public employment service (Zuständige regionale Geschäftsstelle des AMS). See also answer to Q4.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. Yes</p> <p>7. No.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>8. Unless the conditions are met, the competent regional branch office of the public employment service (Zuständige regionale Geschäftsstelle des AMS), after consultation with the Land directorate (Landesdirektion), informs by way of a written expert opinion the competent residence authority that the foreign national in question fails to meet the conditions. The application then will be rejected and no Red-White-Red Card plus will be issued. The third-country national thus no longer has a legal right of residence in Austria and must depart.</p>
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			<p>---</p> <p>Source: Ministry of the Interior</p> <p>9. Yes. As a general rule, administrative decisions in Austria can be appealed to the competent administrative court (Landesverwaltungsgericht). Under certain circumstances, it is also possible to appeal the decision of the administrative court to the Supreme Administrative Court or the Constitutional Court (Verwaltungs- oder Verfassungsgerichtshof).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>10. No. In regardance of the low number of applications nothing is known about any misuse (e.g. NAG Statistik 2020 (Link: NAG Statistik (bmi.gv.at)) - number of valid RWR Cards for start-up founders: 5).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>11. No.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. No, there is no specific visa/residence scheme in place for third-country national start-up founders in Belgium. This is partly due to the fact that Belgium does not have a legal definition for</p>

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			<p>start-up founder. Indeed, start-up founders are considered to be self-employed in Belgium, limiting the available migratory pathways to one: the professional card. Since a new decree relating to the obtaining of a professional card is going to be put in place in the Flemish Region, the remaining questions of this query will be answered in this sense. This new policy is aimed (among other things) at attracting innovative start-ups and innovative entrepreneurial talent. In this framework, the policy focusses for example on collaboration with Flanders Investment & Trade (FIT), the contact point for international entrepreneurship in Flanders, and the Flanders Innovation & Entrepreneurship Agency (VLAIO), and introduces “innovative” added value as a criterion (besides economic, artistic, sportive) – see art. 5 of the decree and art 9 of the draft implementing governmental decision. The new decree relating to the obtaining of a professional card is going to be put in place in Flanders (Flemish Region), in order to make it easier to attract start-ups and innovative entrepreneurial talent. The decree also regulates the appeal procedure and contains an enforcement and sanction framework in case of violations: New economic migration policy for foreign self-employed persons from 1 January 2022: The decree on professional activities performed in a self-employed capacity by foreign nationals was definitively approved by the Government of Flanders on 9 July 2021. The implementing government decision has been adopted in principle on October 22nd and is now with the Council of State for advice: This regulatory framework is set to take effect on 1 January 2022. In doing so, a new economic migration policy is being rolled out for foreign self-employed persons, with a view to attracting innovative start-ups and entrepreneurial talent. The new economic migration policy for foreign self-employed persons is built around the three cornerstones: 1. The introduction of admission requirements tailored to the nature of the self-employed professional activities. By introducing admission requirements to obtain a professional card, the project of a high-tech company will be assessed in a way that differs from the project of a professional athlete. These admission requirements will enable the Department of Work and Social Economy (WSE) to determine whether the project delivers innovative, economic, sporting, artistic or cultural added value for Flanders. 2. Simplified and digital application procedure. The application procedure for professional cards is being digitised, which means the enterprise counters and the diplomatic posts will no longer serve as conduits for the receipt of the (paper) applications. From 1 January 2022, foreign nationals will be able to submit their applications in digital form to the Department of Work and Social Economy. The payment procedure and the issuing of the professional card shall also be fully digital. 3. Attention for tackling misuse. The new policy pays attention to the</p>
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			<p>need to tackle misuse, such as illegal professional activities carried on in a self-employed capacity and fraudulent constructions. It provides the various inspectorates with more and better tools to take efficient action when violations are established. The decree was definitively approved by the Government of Flanders on 9 July 2021 and will enter into force on 1 January 2022. The approval of the implementing decree is expected in the autumn of 2021.</p> <p>2. Yes, the evaluation of the start-up's success and growth is done at the moment of the renewal of the professional card. The original application and business plan will be taken into account and the authorities will analyse to what extent the founder has met the objectives that were set out. Should the figures deviate from the original plan, it is important to provide a clear explanation to the authorities together with a plan on how the company will move forward. (see the EMN study Migratory Pathways for Start-Ups and Innovative Entrepreneurs in Belgium and Q4). Furthermore, there are monitoring and evaluation practices of entrepreneur policies and programmes. These evaluation practices vary across regions in Belgium. For example, in Wallonia, policies and programmes are often evaluated but results are often not publically available. An evaluation on support to entrepreneurs starting from unemployment was conducted recently (https://www.iweeps.be/publication/favoriser-l'entrepreneuriat-enseignement...). In Flanders, the Flemish government Agency for Innovation and Entrepreneurship (VLAIO) systematically monitors and evaluate its innovation entrepreneurship policies and programmes, and funding is related to outputs and results in some cases. Evaluations are based on initial targets. When targets are not sufficiently met, actions are adjusted to improve the results of the programme. However, most evaluations do not provide information on specific groups. A notable exception is the Action Plan on Entrepreneurial Education 2014-19 (which was updated in 2020). The Action Plan was jointly drawn up by the departments for Education and Training, Work and Social Economy, Agriculture and Fisheries, and Economy, Science and Innovation. It aimed to encourage and develop an entrepreneurial spirit among young people. This Action Plan has been regularly monitored and evaluated by the different government departments involved. Furthermore, VLAIO supervises the youth entrepreneurship policy and cooperates closely with partner organisations. Those organisations receive funding for specific projects, that are subjected to formal evaluation and monitoring of qualitative goals and KPIs by VLAIO and professional external evaluators. VLAIO is developing a system to monitor the long-term evolution of entrepreneurial ecosystems for youth entrepreneurship in student cities. The system</p>
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			<p>will monitor the impact of training and support measures on the entrepreneurial behaviour of young (would-be) entrepreneurs. Overall, policy evaluations are usually carried out at the programme level. The publicly available information about the effectiveness of existing initiatives and their impact is relatively limited, especially regarding tailored programmes. (Source: OECD (2020), Inclusive Entrepreneurship Policies, Country Assessment Notes – Belgium 2020)</p> <p>3. During the professional card renewal procedure.</p> <p>4. Note that there are requirements for the renewal of the professional card: After the expiration of the validity period, the professional card may be renewed until a period of five years is reached. The renewal request needs to be introduced three months prior to the expiry of the professional card (this will become 60 days after the entry into force of the new Decree). It remains up to the regional authorities (Regional Services for Economic Migration) to decide on the renewal of the professional card. The requirements for renewal are based on practice and can differ per Region. Furthermore, the renewal applications are handled on a case-by-case basis, taking into account the company set-up and the personal situation of the applicant. In practice the following requirements for renewal are evaluated in the three Regions: 1) A first important consideration is whether the applicant complied with all regulatory, tax and social obligations and whether there is an actual business activity. The actual establishment of the business is checked through the documents and information requested by the authorities at the time of the renewal application. In case the provided information causes any doubt, the regional inspection services will check the company address of the start-up and perform the necessary verifications. 2) The original application and business plan will also be taken into account and the authorities will analyse to what extent the founder has met the objectives that were set out. Should the figures deviate from the original plan, it is important to provide a clear explanation to the authorities together with a plan on how the company will move forward. 3) The turnover is not an absolute requirement, but it is important that the company is generating enough income for the founder to live a normal life in Belgium. Income from other sources can be taken into account and an important consideration is whether the founder needs to sustain a family as well. When processing a renewal application, the regional authorities tend to take into account the fact that a start-up is not necessarily profitable in the first years. The regional authorities will also check if the economic value criterion for the issuance of the professional card is met. The new Flemish</p>
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			<p>Decree (in force on 01.01.2022) in Article 5 states that the professional card is issued or renewed if all the following conditions are met:1° conditions for the self-employed professional activity:a) offer an innovative*, economic, cultural, artistic or sporting added value for Flanders in accordance with the conditions set forth in Chapter 4 of this Decree;b) be economically viable;c) not have a negative impact on the market economy and employment;d) do not constitute a threat to public order and the security of the Belgian territory as stated in Article 3 of the Immigration Act;e) comply with tax obligations, social legislation and, where applicable, the Companies Code and the Associations Code and their implementing decrees2° conditions for the foreign nationala) have at least a level 4 qualification;b) do not constitute a threat to public order and the security of the Belgian territory as referred to in Article 3 of the Immigration Act;c) comply with tax obligations, social legislation and, if applicable, the Companies and Associations Code and its implementing decrees(d) comply with the legal rules and regulations in case of exercise of a regulated profession;e) possess stable, sufficient, and regular means of subsistence to support himself or his family as referred to in Article 10(5) of the Immigration Act.The Flemish Government may further determine the conditions as referred to in the first paragraph, 1° and 2°. A foreign national who performs an independent professional activity with innovative added value for Flanders as referred to in Article 6 may deviate from the requirement of a level 4 qualification if he submits a higher education diploma* The independent professional activity offers an innovative added value for Flanders if it meets one of the following conditions1° it develops new products, services or processes and converts them into added value2° it applies new or improved technologies to existing products, services or processes and converts them into added value3° it cooperates with one of the following organisations(a) an incubator or accelerator(b) a research and knowledge dissemination organisation as referred to in Article 2(83) of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.Concerning the new Flemish Decree (in force 01.01.2022): note that the competent authority can refuse the renewal of the professional card for following reasons:1° the application contains incomplete, incorrect, falsified or unlawfully obtained data, statements or unlawfully made adjustments2° the conditions set out in Articles 5 (see above) to 9 of the Decree of (date) or in its implementing decrees are not satisfied3° the enterprise was established or operates with the primary aim of obtaining a professional card or facilitating the entry of foreign workers or self-employed persons4° the company does not carry out any economic or social activities;5° the creditworthiness of the</p>
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			<p>applicant or the company is unfavourable;6° the company is in a state of bankruptcy or apparent insolvency, is the subject of bankruptcy proceedings, or has applied for or obtained judicial reorganisation.In the following cases the competent authority will withdraw the professional card:1° for the application fraudulent practices, incomplete, incorrect or falsified declarations were used, or unlawfully obtained data was provided or unlawful adjustments were made;2° the company was founded or operates with the main purpose of obtaining a professional card or facilitating the entry of foreign workers or self-employed persons3° the company does not engage in any economic or social activities4° the foreign national has lent or surrendered the professional card;5° the foreign national does not comply with the conditions stated on the professional card6° the foreign national exercises an independent professional activity which is different from the activities mentioned on the professional card;7° the conditions set out in Articles 5 to 9 of the Decree of (date) or its implementing decrees are not fulfilled;8° the foreign national or the company does not comply with the obligations imposed by tax and social security regulations9° the annex 61 mentioned in the Royal Decree of 8 October 1981 is not granted to the frontier worker.</p> <p>5. The Regional Services for Economic Migration in Belgium, which are government institutions.</p> <p>6. No No. If the application is rejected, the person concerned will be informed of this decision by the one-stop shop for business. The person concerned has two options: 1) submit a file “appeal against the refusal” within 30 days or 2) submit a new application at the earliest 2 years following receipt of the rejection.The person concerned does not have to wait 2 years in the following cases:- The application was inadmissible- The person concerned can provide new elements- The person concerned applies for a new activity as a self employed person</p> <p>7. No, however at the renewal procedure, the original application and business plan will also be taken into account and the authorities will analyse to what extent the founder has met the objectives that were set out. Should the figures deviate from the original plan, it is important to provide a clear explanation to the authorities together with a plan on how the company will move forward.</p>
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			<p>8. The professional card will not be renewed.</p> <p>9. If the application for the renewal of the professional card is rejected, the person concerned can submit an appeal against the refusal. The procedure in the Flemish Region: The person concerned has to file a written appeal to the Minister of Work (Department of Work and Social Economy). Once the appeal has been received, the advice from the Council for Economic Research on Foreigners is requested. The Council for Economic Research on Foreigners is a body independent of the administration. The Council is chaired by a magistrate or a lawyer and consists of civil servants who represent the departments in question. The Council for Economic Research on Foreigners investigates the file. It may also invite the person concerned to come and defend his/her interests at a hearing: the person concerned may be assisted by a person of his/her choice. If she/he is unable to attend, the person concerned may only be represented by a lawyer. If this is not possible, the person concerned has the right to request a postponement of the hearing. The Council will issue a recommendation about your file to the Minister of Work within 4 months. If the Council does not agree on a recommendation, the Minister alone decides. After those first 4 months, the Minister still has 2 months to reach a decision concerning your file. What if the Minister has not made a decision after that period? There are 2 options: 1) either the Council's recommendation shall be accepted as a decision or 2) the appeal is dismissed. This is also the case if the Council fails to give a recommendation. The decision concerning the appeal will be communicated to person concerned. If the appeal was dismissed, the person concerned can submit a request for cancellation with the Council of State. This has to be done by registered letter within 60 days of being informed about this decision. The new Flemish decree (in force on 01.01.2022) introduces a simplified appeal procedure by analogy with the appeal procedure for work permits. Since the Council for Economic Research on Foreigners (REOV) will be abolished due to a number of shortcomings (negative impact on processing times, no added value, etc.), the appeal procedure will henceforth only be handled by the Minister of Work. However, taking into account the economic dimension of the professional card, an advisory procedure is provided on which the Minister can rely. (During the appeal procedure, the Minister seeks the advice of experts for the assessment of the innovative, economic, cultural, artistic or sporting added value of the self-employed activity for Flanders.) As long as the appeal to the Minister is pending, the competent authority shall declare inadmissible any submitted application for the same self-employed activity that was filed after the appeal. The appeal procedure against a refusal or</p>
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			<p>withdrawal decision does not have suspensive effect. It is not because the foreign national questions the decision by lodging an appeal that s/he has the possibility of continuing her/his self-employed activity. Even if the professional card was not renewed (on the basis of a refusal decision), the self-employed activity must be discontinued pending the decision on appeal.</p> <p>10. Yes, according to the annual report of the Flemish Social Inspection of 2020, through the combination of the tracking down self-employed people who are at work without a valid professional card and/or a valid residence permit and the targeted checking of self-employed persons at the indication of, inter alia, the professional card department, infringements are found in more than one third of the investigations. Number of infringements</p> <table border="1"> <thead> <tr> <th></th> <th>2017</th> <th>2018</th> <th>2019</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>Irregular stay and no professional card</td> <td>7</td> <td>15</td> <td>11</td> <td>10</td> </tr> <tr> <td>Legal stay but no professional card</td> <td>16</td> <td>25</td> <td>12</td> <td>22</td> </tr> <tr> <td>Other infringements sanction level 4, (very serious infringements e.g. employment of workers without a valid residence permit)</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Other infringements sanction level 3, (serious infringements e.g. lack of workplace accident insurance)</td> <td>3</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td>Total</td> <td>23</td> <td>46</td> <td>23</td> <td>37</td> </tr> </tbody> </table> <p>In order to combat abuse of the professional cards, the Flemish Social Inspectorate is able to take action if the limits and conditions of the professional card are not respected. Thus, the self-employed third country national will risk various sanctions in the form of criminal penalties and administrative fines.</p> <p>11. /</p>		2017	2018	2019	2020	Irregular stay and no professional card	7	15	11	10	Legal stay but no professional card	16	25	12	22	Other infringements sanction level 4, (very serious infringements e.g. employment of workers without a valid residence permit)	0	0	0	0	Other infringements sanction level 3, (serious infringements e.g. lack of workplace accident insurance)	3	0	1	0	Total	23	46	23	37
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	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. Yes According to the Article 24o of the Foreigners in the Republic of Bulgaria Act (FRBA) a long-term residence permits may be obtained by foreigners who hold a visa, have a certificate issued by the Ministry of Economy for a high-tech and/or innovative project called "Startup Visa", and after the issuance of the long-term residence visa have become partners or shareholders in a Bulgarian commercial company, and who own not less than 50 percent of the capital of the company, the subject of activity of which is the one, declared when issuing the certificate.</p>																														


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			<p>2. According to the Article 24o, Para 3 of the FRBA the conditions and the procedure for issuing, extending and revoking the certificate for high-tech and/or innovative project shall be determined by an ordinance of the Council of Ministers. The process of public discussions on the Project of Ordinance on the Terms and Conditions for Issuing, Extending and Revoking a Certificate for a High-Tech and/or Innovative Project Called "Startup Visa" is still undergoing. The specific provisions concerning the evaluation of the start-up's success and their growth after issuing the certificate are not provided in this project of Ordinance. According to the Article 24o, Para 3 of the FRBA the conditions and the procedure for issuing, extending and revoking the certificate for high-tech and/or innovative project shall be determined by an ordinance of the Council of Ministers. The process of public discussions on the Project of Ordinance on the Terms and Conditions for Issuing, Extending and Revoking a Certificate for a High-Tech and/or Innovative Project Called "Startup Visa" is still undergoing. The specific provisions concerning the evaluation of the start-up's success and their growth after issuing the certificate are not provided in this project of Ordinance.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. N/A</p>
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			<p>10. NO</p> <p>11. NO. All efforts at national level now aim to attract and to stimulate the start-ups, and not to evaluate their activeness and their economic results.</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. No No, there is no specific type of residence permit commonly used to facilitate the immigration of start-ups/innovative entrepreneurs from third countries. Third country nationals can apply for work and residence permit just under the general regime as prescribed by the Aliens Act (Official Gazette, 133/20) regarding employment of third country nationals.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p>

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			<p>10.</p> <p>11.</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. The "Cyprus Startup Visa" is part of the Policy Statement on Strengthening the Entrepreneurial Ecosystem. The "Cyprus Startup Visa" Scheme allows talented entrepreneurs from third countries [outside the European Union (EU) and outside the European Economic Area (EEA)], individuals or a team, to enter, reside and work in Cyprus in order to establish / operate / develop a Startup with a high growth potential.</p> <p>3. According to the last Scheme (2019-2021), the initial application was evaluated within 5 weeks, and in case of approval, the startup founder/executives were given the right to economic activity and residence in the Republic of Cyprus for one year, with the possibility of renewal for at least another year. Two (2) months before the expiration date of the renewed residence permit, the applicant/s may submit a new application with a revised Business Plan to the Deputy Ministry to assess whether the Startup has the potential for success.</p> <p>4. The criteria for the initial application (Business Plan) were as follows: 1. Implementation: - Capability of the Team to develop new or clearly improved products, services or processes with high technological or industrial risk. - Motivation and commitment of the Team to bring the innovation to market (ownership structure / stock option plans, etc.)</p>



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			<ul style="list-style-type: none">- Previous experience of the Team and relevance to the company's business. <p>2. Impact: Commercial Strategy, Scalability and Sustainability</p> <ul style="list-style-type: none">- Appropriate business model, go-to-market and commercialization strategy and IPR management.- Soundness of the financial planning and projections.- Potential to scaleup / growth prospects (incl. the potential to create new working positions).- Appropriate market and competition analysis. <p>3. Excellence: Innovation & Feasibility</p> <ul style="list-style-type: none">- Soundness, credibility, feasibility, timing of the proposed idea.- Degree of innovation / advancement over the current state-of-the-art.- Potential to create a new market or significant impact in existing ones / unique selling proposition. <p>5. The Deputy Ministry of Research, Innovation and Digital Strategy (using external evaluators from abroad to evaluate the Business Plans)</p> <p>6. No</p> <p>7. No.</p> <p>8. No.</p> <p>9. No.</p> <p>10. No.</p> <p>11. Yes, currently reviewing them, to be included in the new Scheme which will open.</p>
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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. No No. Czechia has no special visa/residence permit scheme for start-up founders. We only have a fast-tracking & facilitation programme for start-up founders/employees applying for standard visas/residence permits (national long-term business visas, single permits, EU blue cards). There is no special process of evaluation and assessment of start-ups' performance directly related to this programme.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p> <p>10. No.</p> <p>11. No, there are no such plans.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Yes</p>

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			<p>Estonia launched Estonian Start-up Visa program on 18th of January 2017 initiated by the local start-up community and the Estonian Ministry of Interior, allowing non-EU nationals to come and work for Estonian start-ups, relocate their existing start-ups or found new ones in Estonia on preferential terms. In order to qualify for the preferential terms of the start-up visa, start-ups must fill out an application detailing their business and team, which will then be evaluated by a Start-up Committee consisting of members of the Estonian start-up community. The Start-up Committee is not an independent administrative body, but convened by the Ministry of Interior and the committee cooperates with Estonian Police and Border Guard Board (hereinafter PBGB). In case of a positive decision, the founders will have a choice between applying for a one-year visa with the option of extending it for another year, or a permit for start-up entrepreneurship for five years. For start-ups participating in accelerator programs, there is a fast-track process available and they do not need to go through the Start-up Committee evaluation and can proceed to applying for a visa or a permit.</p> <p>2.</p> <p>Yes. It is important to note that the Start-up Visa program works for foreign founders (who wish to either relocate already existing start-up or found a new one) as well as for Estonian start-ups (who can use start-up visas and permits to enrich and grow their already existing start-ups by employing foreign talents). Before launching the Estonian Start-up Visa program, already existing Estonian start-ups were listed by the degree of Ministry of Interior on 24th of January 2017 with a purpose to enable those start-ups to recruit necessary foreign specialist on preferential terms. Based on the abovementioned, monitoring and evaluating start-up's success works in two ways:</p> <ul style="list-style-type: none"> • Estonian PBGB carries out usual application evaluation activities during visa and residence permit application procedures (including extension procedures). In the course of migration surveillance, the purposefulness of the basis of stay and start-up's progress is reviewed based on risk analyses in cooperation with Estonian Tax and Customs Board. • The list of already existing Estonian start-ups is reviewed based on criteria set by the degree of Ministry of Interior on 25th of September 2020. <p>3.</p>
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			<p>Estonian PBGB carries out regular evaluation activities during visa and residence permit extending procedures. The period of stay determined by a visa is generally not extended. However, it can be extended for engagement in start-up enterprise. Temporary residence permit can be issued for up to 5 years and extended up to 10 years.</p> <p>Migration surveillance is carried out according to the yearly planned activities. In addition, since September 2020, the listed start-ups' success/growth is evaluated quarterly.</p> <p>4.</p> <p>Estonian PBGB carries out regular evaluation activities during visa and residence permit extending procedures and on the bases of planned migration surveillance activities in cooperation with Estonian Tax and Customs Board. In the course of migration surveillance, the overall purposefulness of the basis of stay and start-up's progress according to economic criteria (taxes paid, turnover) is evaluated.</p> <p>Secondly, by the degree of Ministry of Interior in September 25th, 2020 there are four criteria for evaluating the success of start-ups in the list mentioned above in answer to question 2. Initially the list consisted of 339 already existing Estonian start-ups. Since September 2020, the list is reviewed quarterly and the criteria are as follows:</p> <ul style="list-style-type: none">• Start-up has been deleted from the Estonian Business register;• Liquidation or bankruptcy proceedings have been initiated against the start-up;• The start-up has been operating for more than 10 years (according to the Start-up Committee experts, 10 year limit is the time in which a start-up can no longer be considered as a starting business entity);• Start-up of at least 4 years old has no actual economic activity during last 2 years while operating, which is assessed on the basis of taxes paid, total amount of turnover and number of employees (public data by the Estonian Tax and Customs Board). <p>PBGB cooperates with Estonian Tax and Customs Board if necessary and requests additional data besides public information (taxes paid, turnover and number of employees). During processing</p>
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			<p>visa and residence permit extension applications and migratory surveillance activities, all necessary check-ups are made, including requesting additional information from the start-up itself and checking all necessary prerequisites.</p> <p>Regarding the list of already existing Estonian start-ups and reviewing it, data is gathered from the Estonian Business register: name and date of registration of the start-up, registration number, check-ups on liquidation, bankruptcy or tax arrears; from the Estonian Tax and Customs Board public inquires: taxes paid, turnover and number of employees. if necessary, Ministry of Interior can request additional information from the Estonian Tax and Customs Board as well as from the PBGB.</p> <p>5. Estonian PBGB and Ministry of Interior.</p> <p>6. Yes Firstly, PBGB will notify the start-up founders regarding all steps taken during the processing of applications or migratory surveillance procedures that will have an effect on their legal ground to stay in Estonia in writing. These obligations are stipulated in the Administrative Procedures Act. Secondly, regarding the list of already existing Estonian start-ups, Ministry of Interior notifies start-up founders that will be removed from the list with a reference to the applicable criteria (please see answer 4, criteria 1-4) in writing.</p> <p>7. No. But regarding all migratory surveillance procedures carried out by the PBGB that will affect the start-ups founder's legal ground to stay in Estonia, derive from the Administrative Procedure Act: an administrative authority shall, before issue of an administrative act, grant a participant in proceedings a possibility to provide his/her opinion and objections in a written, oral or any other suitable form. Terms for providing opinion and objections differ concerning the administrative act in question.</p>
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			<p>Secondly, after the notification regarding being removed from the list of already existing Estonian start-ups is sent by the Ministry of Interior, the start-up has 10 days to submit its opinion or objections to the Ministry of Interior in writing. Based on the opinion or objections submitted and after reviewing the grounds and evidence provided, Ministry of Interior will decide whether the start-up will remain in the list or not. Decision will be forwarded in writing.</p> <p>8. Regarding migratory surveillance procedures carried out by the PBGB, start-up founders that do not use their legal ground to stay in Estonia purposefully or are no longer meeting the conditions (e.g. business plan has been submitted solely for the purposes of acquiring residence permissions, no actual steps for the business' progress are taken), the legal ground to stay (visa or residence permit) is revoked, not extended or the temporary stay is prematurely terminated. Additionally, when the start-up in the list of already existing Estonian start-ups is not meeting expectations, it will be removed from the list. After being removed, the start-up can no longer recruit TCN employees on preferential terms nor receive benefits from the start-up ecosystem. Removed start-ups can apply for visas and residence permits on regular terms.</p> <p>9. Yes. PBGB's as an administrative authority's administrative acts can be appealed. According to the Administrative Procedure Act, a person who finds that his/her rights are violated, can either commence challenge proceedings or file an appeal to the Administrative Court. After receiving a note from the Ministry of Interior regarding being removed from the list of already existing Estonian start-ups, start-up can submit its opinions or objections (please see answer 8). If the decision remains unchanged, start-up can file an appeal to the administrative court according to the Administrative Procedures Act.</p> <p>10.</p>
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			<p>Yes. Misuse cases include: using the visa program in order to access the Schengen area; business plans being written by another person, business plans being submitted solely for the purposes of acquiring residence permissions; founders not taking steps to progress the business and start to work elsewhere; starting the so called shelf-companies that were never meant to actually operate (i.e. no active business or existing obligations, no progress, just registered in the Business Register).</p> <p>11. Yes. Estonia would like to develop similar criteria for assessing start-ups' success and growth regarding start-ups that have been accepted in the Start-up Visa program since the launch on 18th of January 2017 (more than 800 start-up applications have been accepted since the launch).</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. According to the Finnish Aliens Act (47 h § / 54 a §), an applicant will be granted a continuous residence permit for start-up entrepreneurs (47 g §) if Business Finland has given a favorable statement regarding the applicant being a start-up entrepreneur. The application must always be accompanied by a statement from Business Finland. The statement must have been issued no more than two months before the application was submitted.</p> <p>3. The evaluation is carried out when the applicant applies for an extended residence permit.</p> <p>4. An extended residence permit may be granted for the continuation of the same or a similar type of business if it has the conditions for profitable business or if the business model of the company still meets the conditions for funding for innovative high-growth companies set by Business Finland.</p>


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			<p>5. The Finnish Immigration Service and Business Finland</p> <p>6. No</p> <p>7. To Q6: Additional details might be requested, but the results are not notified before making the final decision.</p> <p>8. If the start-up's success and growth are insufficient, this won't usually come to the knowledge of the Finnish Immigration Service until the person applies for an extended residence permit. In that case the Finnish Immigration Service can ask Business Finland for a statement and Business Finland will then assess the performance of the start-up. Following the statement, the applicant can be advised to apply for an entrepreneur's residence permit if it seems like this would be the correct application type for him/her. However, if the conditions for granting an extended residence permit are not met overall, the applicant will receive a negative decision to his/her residence permit application. If it becomes evident that the applicant no longer fulfills the conditions for the residence permit granted before, the permit may be revoked. This could be the case if the applicant has never actually started the start-up based on which he/her had been granted the permit, for example.</p> <p>9. Yes. The applicant can appeal against a decision made by the Finnish Immigration Service to an Administrative Court within 30 days of receiving the decision. Furthermore, the applicant can appeal against the decision made by the Administrative Court to the Supreme Administrative Court. The applicant cannot appeal against the (negative) statement made by Business Finland.</p> <p>10. There has been a suspicion that in few cases entrepreneurs haven't had a real aim / capabilities to run a startup business, contrary to what has been described in the application.</p> <p>11.</p>
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	EMN NCP France	Yes	<p>1. Yes The Law on the Rights of Foreigners in France of 7 March 2016 created the “talent passport” multi-annual residence permit, for highly qualified employees, researchers, entrepreneurs and investors, among other categories. Talent passports, which are renewable for a maximum period of four years, are not conditional upon holding a work permit for employed activities and facilitate the arrival in France of family members (spouse and children). In order to facilitate the admission procedure for foreign start-up founders, on 16 January 2017, the French government announced the launch of the French Tech Visa, which became operational on 15 June 2017. This scheme, based on an accelerated and simplified procedure for obtaining the Talent Passport, targets not only start-up founders, but also the international talents employed by these start-ups, as well as foreign investors. The French Tech Visa for Founders allows foreign start-up founders incubated in a French Tech labelled incubator to develop their project in France. They are eligible for a multiannual residence permit marked “Talent Passport innovative project”, valid for a period of up to four years and renewable.</p> <p>2. Yes. After being selected by an incubator or accelerator partner of the French Tech, by an incubator or accelerator supported by the French Tech Capital or obtaining the support of an actor of the French Tech ecosystem, the startup founder must apply for the recognition of the innovative nature of his or her project on the dedicated website: demarches-simplifiees.fr/french-tech-visa-for-founders</p> <p>The Ministry of Economy is in charge of assessing the innovative character of the project according to different criteria. The Ministry of Economy will issue an official letter of acknowledgement of the innovative nature of the project. The applicant should then enclose this letter with his/her application for a long stay visa marked “Talent passport – innovative economic project” or a residence permit marked “Talent passport – innovative economic project”. The procedure depends on whether or not the applicant already resides in France.</p> <p>3. Upon renewal. Renewal applications must be submitted in the three months before the residence permit expires on the dedicated website (https://administration-etrangers-en-france.interieur.gouv.fr/particuliers/#/). According to Annex 10 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA) providing the list of requested documents, the applicant has to:</p>
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			<ul style="list-style-type: none"> • justify the reality and the seriousness of his work (state of progress, work accomplished, actions remaining to be carried out...) justifying the extension of the project beyond the planned duration; • provide a letter from the public organization that recognized the initial project and attesting to the reality and seriousness of the project and its prospects for achievement. <p>4. See Q3.</p> <p>5. The Ministry of Economy (Decree n°2021-1222 of 23 September 2021 on applications for a residence permit from third-country nationals with a business creation or an innovative economic project).</p> <p>6. Yes</p> <p>7. N/A</p> <p>8. If the TCN founder of the start-up is no longer meeting the conditions, the residence permit may be withdrawn/not renewed.</p> <p>9. Yes. The prefecture's decision to refuse to renew residence permit may be appealed before the administrative court.</p> <p>10. No.</p> <p>11. N/A.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. No</p>

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			<p>2. There is no residence title specifically for the purpose of funding a start-up business. TCN start-up founders have to apply for a residence permit for the purpose of self-employment or entrepreneurship, respectively.</p> <p>3. n.a.</p> <p>4. n.a.</p> <p>5. n.a.</p> <p>6. No</p> <p>7. n.a.</p> <p>8. n.a.</p> <p>9. n.a.</p> <p>10. n.a.</p> <p>11. n.a.</p>
	EMN NCP Hungary	Yes	<p>1. No</p> <p>In Hungary the rules on the issuance of residence permits for entrepreneurship are set out in Section 27 of Act II of 2007 on the entry and residence of third-country nationals (hereinafter referred to as 'Third-Country Nationals' Act'). This kind of residence permit (for establishing a startup/ entrepreneurship) may be issued to a third-country national who is in possession of a valid residence permit for the purpose of research and able to prove the completion of the research activity, or who is in possession of a valid residence permit for the purpose of studies</p>


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			<p>and able to prove the successful completion of studies, if able to meet the conditions set out by law, and the employment he/she is seeking or the business he/she is in the process of setting up corresponds to the level of research or of studies completed. With the application, documents evidencing the purpose of the residence, (e.g. company registration application registered by the court of registry as received, showing the third-country national as the company's managing director or member having the right to represent the company), documents in proof of means of substance in Hungary, documents proving the existence of comprehensive health insurance, and notification of the Hungarian home address shall be provided. The validity period of the residence permit is 9 months from the date of submission of the application and may not be extended for the purpose of job-searching or entrepreneurship.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. N/A</p> <p>10. N/A</p> <p>11. N/A</p>
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	<p>EMN NCP Ireland</p>	<p>Yes</p>	<p>1. Yes In 2012 the Irish Government established a Start Up Entrepreneur Programme (STEP) to enable Non EEA nationals & their core family members to commit to a high potential start up business (HSPU) in Ireland. The programme was established to stimulate productive investment in Ireland with its associated advantages to dynamic business professionals with a proven record of success. The scheme is not legislatively based, however the immigration permission, linked to the business start-up, awarded to the person and their family members allows them to work and reside in the State for an initial period of 2 years. Visa required nationals are provided with multi-entry visas to facilitate business travel.</p> <p>2. An application is only approved under this programme where both the applicant and the business meet certain criteria. The business plan submitted is reviewed by an Evaluation Committee made up of representative experts from a number of Government Departments and State Bodies. The permission, endorsed in the form of a stamp 4 on a person's passport, which is awarded to a successful applicant comes with certain conditions:</p> <ul style="list-style-type: none"> • The applicant must be of good character and must continue to be of good character through their period of residence in this State. • The permission granted is for the sole purpose of working full time in the Start Up business – the applicant cannot take up any other form of work in the State. • The applicant cannot become a financial burden on the State and has no recourse to public funds. • The applicant must have their own health insurance (for family members also). <p>The initial permission granted is for 2 years. After this the applicant must submit an application to renew this permission. At this point the Start-up is evaluated again.</p>
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			<p>3. Before the initial two year permission expires, the applicant must submit a renewal application to the appropriate unit in Immigration Service Delivery (Department of Justice). If all is in order and the business is progressing as it should, a further 3 year permission is granted, endorsed once again on the person's passport as a stamp 4. The person must continue to abide by the conditions set out at the granting of their original permission.</p> <p>4. At the renewal stage, the business accounts for each year are examined and the following noted:</p> <ol style="list-style-type: none">1. Annual profit2. Number of staff recruited3. Whether any investment was made into the business <p>A narrative is also requested from the applicant providing details of the growth of the business and the applicant is requested to provide any and all relevant documentation to support this narrative. The applicant must also provide evidence of tax compliance in the State.</p> <p>5. The initial application under the STEP is brought before an Evaluation Committee which comprises a number of experts from relevant Government Departments and State Agencies. The committee determines whether or not the application can be recommended for approval. The committee do not look at the applicant's profile. This is done by the Minister for Justice. Once the project and applicant are deemed suitable an application can be approved. The progress of the project thereafter is monitored by the STEP Renewals Team of Immigration Service Delivery in the Department of Justice.</p> <p>6. Yes Stakeholder engagement forms a key part of this process. When evaluating a project, the Evaluation Committee may request further information from the applicant before a final decision</p>
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			<p>is made overall. In some cases, where an application simply does not meet the criteria, the application will be refused outright. At the renewal stage, where a Start Up may be progressing slower than expected, the STEP Renewals team would engage with the applicant to understand the situation so the correct decision can be made.</p> <p>7. The initial permission awarded to an applicant is for 2 years. When a renewal application is received, it is examined to see what progress has been made. Where it can be demonstrated that the Start Up is progressing, however slowly, it may be agreed to renew permission in 12 monthly increments (rather than 3 years) to observe the future progress of same.</p> <p>8. The Start Up Entrepreneur Programme is an administrative scheme which provides the successful applicant with a discretionary permission. It is recognised that Start-Up ventures have a high rate of failure. In the event that a Start-Up business has completely failed, the permission would have to be withdrawn. It would be open to the person to submit a new application under the scheme or indeed to submit an application for a different immigration permission. Each situation is dealt with on a case by case basis. The responsibility is on the permission holder to engage with the STEP Unit with regard to any change of circumstances in their business that may impact the permission they have been granted.</p> <p>9. There is no formal appeal process however we encourage ongoing engagement and communication between the Department and the applicant. We do all we can to assist the applicant within the confines of the scheme.</p> <p>10. No. It has however come to our attention that, where a Start Up has not progressed and indeed has failed, some of Start Up applicants have obtained full time jobs as the stamp endorsed in their passport states they can work in the State without a work permit. However,</p>
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			<p>the permission granted to a person is as written in the scheme guidelines and their permission letter and a STEP permission does not allow a person to enter the general work force.</p> <p>11. We are working to develop our Start Up programme further at present.</p>
	EMN NCP Latvia	Yes	<p>1. Yes Residence permits for start-up founders. Latvia launched residence permits for start-up founders on 1th of September 2017 initiated by Investment and Development Agency of Latvia (Ministry of Economics) and The Office of Citizenship and Migration Affairs (Ministry of the Interior). To facilitate the establishment of start-up companies in Latvia and attract start-up founders from third countries by facilitating the procedure to enter the country. Residence permit validity maximum is three years, residence permit (ID card) renewal/ registration – once a year.</p> <p>2. Special requirements for residence permit: submission of a free form application describing the product and planned commercial activities in next three years, (planned) production of an innovative product or service.</p> <p>3. 1) Within three months after a positive decision for granting a temporary residence permit; 2) within 12 months after the issuance of the residence permit.</p> <p>4. Within three months after a positive decision for granting a temporary residence permit, the third-country national has to be registered as a member of the board of directors in a capital company no longer than one year ago and within the scope of planned activities. The total investment of the company must reach at least € 30,000 within 12 months after the issuance of the residence permit, or a progress report on the company's activities must be submitted to show the development of the innovative product.</p>

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			<p>5. Investment and Development Agency of Latvia and The Office of Citizenship and Migration Affairs.</p> <p>6. No</p> <p>7. The issuing of decision of residence permit registration can be prolonged for four month. In that time start-up founder can improve growth of start-up.</p> <p>8. The registration of a residence permit shall be refused if start-up founders not implement special requirements within three months or 12 months (Answer No.4).</p> <p>9. A third-country national has the right to dispute a decision regarding the refusal to issue a residence permit to a third-country national or cancellation thereof to the head of the Office of Citizenship and Migration Affairs within a period of 30 days after the day of the coming into effect of such decision.</p> <p>10. Misuse cases include: using residence permit in order to access the Schengen area; founders not taking steps to progress the business and start to work elsewhere; no active business or existing obligations, no progress, just registered in the Business Register.</p> <p>11. No.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. YES. Startup founders from third countries have the possibility to apply for a temporary residence permit on the grounds of engaging in lawful activities related to new technologies (Art. 45(1) of the Law on the Status of Foreigners).</p>

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			<p>The description of the procedure to determine what falls under the category of such activities is set forth in Order No. 4-56 of 26 January 2017 of the Minister of Economics and Innovations. This Order also specifies the criteria for evaluating the startup's success. The temporary residence permit issued on these grounds is valid for one year. It can be extended for one year twice with the approval of the institution authorized by the Minister of Economics and Innovations. After the temporary residence permit has been extended twice, it can be extended for 2 more years if the applicant is able to submit a document confirming that the company founded by the third-country national has attracted an investment of at least EUR 30,000.</p> <p>Thus, the evaluation of the startup's success and growth takes place annually at the time of the extension. According to Art. 19 of Order No. 4-56, to obtain the approval of the authorized institution required for the extension of the temporary residence permit, the foreigner must submit the startup's progress report and annual plan. These documents are reviewed by a commission that consists of the representatives of the authorized institution, the Agency for Science, Innovation and Technology, as well as venture capital funds and business accelerators. The decision on whether to approve the startup founder's request for the extension of the temporary residence permit is made by the authorized institution, taking into account the recommendation of the commission.</p> <p>3. Once a year, during temporary resident permit extension procedures, as described in answer to Q2.</p> <p>4. During the first two extensions of the temporary residence permit, the commission reviews the startup company's application, progress report, and plan for the next year. According to Art. 12 of Order No. 4-56 of 26 January 2017 of the Minister of Economics and Innovation, the following criteria are used in evaluation: 1) whether the company's activities have the potential to result in the creation of new or essentially improved products or processes that could contribute to the economic and social development in the areas of biotechnologies, nanotechnologies, information technologies, mechatronics, electronics, financial technologies, laser technologies, etc.; 2) whether there is a serious potential for starting and expanding activities; 3) the qualification and financial means to start activities; 4) the feasibility of the company's business plan for one year and its strategic plan for two years.</p>
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			<p>After two extensions (i.e., before the end of three years of residence), the foreigner who founded the startup company must show that the company has managed to attract an investment of at least EUR 30,000 since its establishment.</p> <p>5. The potential and the success is evaluated by a commission that consists of the representatives of the institution authorized by the Ministry of Economics and Innovations (2 persons), the Agency for Science, Innovation and Technology (1 person), and venture capital funds and business accelerators (4 persons). Thus, the majority of the commission's members come from the private sector. The persons appointed to the commission by the head of the authorized institution must have experience working with innovations, high technologies, businesses generating high added value and attracting investments. If the commission is unable to evaluate the activities of the startup due to technological complexity, the authorized institution may invite appropriate experts.</p> <p>6. No</p> <p>7. No. The startup's potential is evaluated on the basis of the criteria listed in the answer to Q4. After 3 years of activities, the startup's success is evaluated by its ability to attract investment.</p> <p>8. Refusal to extend the temporary residence permit on the grounds of engaging in lawful activities related to new technologies.</p> <p>9. The decisions of the authorized institution (to not issue the approval for the foreigner's application for a temporary residence permit on the grounds of engaging in lawful activities related to new technologies) and the decision of the Migration Department (to not issue the temporary residence permit on the grounds of engaging in lawful activities related to new technologies) may be appealed in the administrative courts in accordance with Law No. VIII-1029 of 14 January 1999 on Administrative Proceedings.</p> <p>10. No. In 2020, the authorized institution (VšĮ „Versli Lietuva“) received and evaluated applications from 213 foreigners and issued its approval (Startup Lithuania visa certificate) to 53 applications. In</p>
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			<p>2020, 16 startup companies were registered and began functioning in Lithuania using this program. In 2017-2020, a total of 59 startup companies were established. In 2020, 65 temporary residence permits were issued by the Migration Department to startup founders/employees (as compared to 65 in 2019 and 28 in 2018).</p> <p>11. NA</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. No No. Luxembourg does not have a special visa or residence permit to facilitate the immigration of start-up founders and innovative entrepreneurs from third countries foreseen in the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law).</p> <p>2. N/A.</p> <p>3. N/A.</p> <p>4. N/A.</p> <p>5. N/A.</p> <p>6. No</p> <p>7. N/A.</p> <p>8. N/A.</p> <p>9. N/A.</p> <p>10. N/A.</p>


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			11. N/A.
	EMN NCP Malta	Yes	1. No 2. N/A 3. N/A 4. N/A 5. N/A 6. 7. N/A 8. N/A 9. N/A 10. N/A 11. N/A

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	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Yes Yes there is a residence permit called 'start-up' which gives starters a year to start an innovative company.</p> <p>2. Yes 1) at the end of the year to determine whether the start-up can transition to the self-employment scheme.[1] 2) After two years of self employment scheme the entrepreneur can apply for an extension of his residence permit. The IND will then assess if the entrepreneur earns sufficient income from the activities as an independent entrepreneur.[2]</p> <p>[1] IND, 'Start-Up', https://ind.nl/en/work/working_in_the_netherlands/pages/start-up.aspx, last accessed 09-11-2021. [2] This information was provided by the Immigration and Naturalisation Service (IND) and the Netherlands Enterprise Agency (RVO) on 18 November 2021.</p> <p>3. At the end of the year to determine whether the start-up can transition to the self-employment scheme.[1]</p> <p>[1] IND, 'Start-Up', https://ind.nl/en/work/working_in_the_netherlands/pages/start-up.aspx, last accessed 09-11-2021.</p> <p>4. In order to transition to the self-employment scheme, the start-up entrepreneur must meet the conditions normally associated with the self-employment scheme, which is based on a scoring point system consisting of three parts: 1. Personal experience (education, entrepreneurship, work experience) 2. Business plan (market analysis, product/service, price, organization, financing). 3. Added value for the Netherlands (innovation, employment creation, investments) In addition, he must be in possession of a statement from the facilitator, showing that he completed the supervisory trajectory in a minimum of 3 months and with positive results. Thus, the start-up entrepreneur substantiates that he has developed enough personal experience and has a sufficiently viable company. Within the scorings system, the statement</p>
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			<p>of the facilitator equals at least the minimum score for personal experience, business plan and added value for the Dutch economy.[1]</p> <p>After two years of self employment scheme, the entrepreneur can apply for an extension of his residence permit. The IND will then assess if the entrepreneur earns sufficient income from the activities as an independent entrepreneur.[2]</p> <p>[1] IND, 'Start-Up', https://ind.nl/en/work/working_in_the_netherlands/pages/start-up.aspx, last accessed 09-11-2021.</p> <p>[2] This information was provided by the Immigration and Naturalisation Service (IND) and the Netherlands Enterprise Agency (RVO) on 18 November 2021.</p> <p>5. For transition to self employment scheme: the IND asks advice from the Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland- RVO). RVO will assess if the startup meets the conditions of transition to the self employment scheme and gives an advice to the IND on this matter.[1]</p> <p>[1] RVO, 'Residence permit for foreign startups', https://english.rvo.nl/subsidies-programmes/residence-permit-foreign-startups, last accessed on 09-11-2021; This information was provided by the Immigration and Naturalisation Service (IND) and the Netherlands Enterprise Agency (RVO) on 18 November 2021.</p> <p>6. No No. The evaluation determines whether the start-up can transit to the self employment scheme after one year. So the result is part of the final decision for the application for extension of the residence permit on the basis of transit to the self employment scheme. The RVO gives advice to the IND and the IND has the final decision. After the final decision, the startup entrepreneur can protest against the decision at the IND by making use of the objection procedure. After this, the startup entrepreneur can appeal to the court.</p> <p>7.</p>
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			<p>No. The evaluation determines whether the start-up can transit to the self employment scheme after one year. So the result is part of the final decision for the application for extension of the residence permit on the basis of transit to the self employment scheme.[1] The RVO gives advice to the IND and the IND has the final decision. After the final decision, the startup entrepreneur can protest against the decision at the IND by making use of the objection procedure. After this, the startup entrepreneur can appeal to the court.[2]</p> <p>[1] IND, 'Start-Up', https://ind.nl/en/work/working_in_the_netherlands/pages/start-up.aspx, last accessed 09-11-2021.</p> <p>[2] This information was provided by the Immigration and Naturalisation Service (IND) and the Netherlands Enterprise Agency (RVO) on 18 November 2021.</p> <p>8. The TCN cannot fasttrack transit to a self-employment scheme so after the year of stay he/she has to leave the Netherlands or apply for the self employment scheme independently from the facilitator, or apply for another purpose of stay.[1]</p> <p>[1] This information was provided by the Immigration and Naturalisation Service (IND) and the Netherlands Enterprise Agency (RVO) on 18 November 2021.</p> <p>9. Yes, see answer to question 6 and 7.</p> <p>[1] This information was provided by the Immigration and Naturalisation Service (IND) on 18 November 2021.</p> <p>10. No.[1]</p>
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			<p>[1] This information was provided by the Immigration and Naturalisation Service (IND) on 18 November 2021.</p> <p>11. No.[1]</p> <p>[1] This information was provided by the Immigration and Naturalisation Service (IND) on 18 November 2021.</p>
	EMN NCP Poland	Yes	<p>1. Yes In Poland there is a programme dedicated to start-ups created by the third-country nationals – ‘Poland. Business Harbour’ (www.gov.pl/web/poland-businessharbour). Institution responsible for this programme and its evaluation is Polish Agency for Enterprise Development (Polska Agencja Rozwoju Przedsiębiorczości, PARP) - governmental agency which supports international start-ups’ teams interested in starting or expanding their activities in Poland. The beneficiaries of programme are citizens of Armenia, Belarus, Georgia, Moldova, Russian Federation and Ukraine. Consular Department at the Ministry of Foreign Affairs - in cooperation with PARP - developed special organisation of visa process for the beneficiaries of ‘Poland. Business Harbour’ which is based on general legal provisions without separating special solutions dedicated to participants of the programme.</p> <p>2. Yes. It is examined whether the startup has implemented its solution. By implementation it should be understood a sale of the solution, license, purchase of a startup, obtaining VC financing. The benefit for start-ups is also the verification of the proposed solution itself - it should be noted that that both positive and negative verification is valuable. Positive verification makes it possible to continue work on the solution and its final implementation. Negative verification - a signal to stop working on a non-prognostic solution.</p>


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			<p>3. Evaluation takes place at the exit from the programme (i.e. after the end of acceleration) and after the post-acceleration period.</p> <p>4. The criteria depend on the programme. They usually concern achieving the appropriate level of the solution, although most often refer to the widely understood implementation of the solution. By implementation should be understood a sale of the solution, license, purchase of a startup, obtaining VC financing.</p> <p>5. Evaluation is carried out by support programme operator - usually the Polish Agency for Enterprise Development.</p> <p>6. When joining the programme, a startup is aware that the purpose of participation is to achieve specific results, including those relating to the implementation of the solution on which it has worked.</p> <p>7. No - a startup that has not been successful fails, there is no need to keep it ongoing.</p> <p>8. Participation in the programme supporting foreign startup teams is one thing, the procedures for legalizing stay in Poland are different. A functioning company with adequate income is required to obtain the right of residence.</p> <p>9. Decisions concerning the residence permit may be appealed.</p> <p>10. Ministry of Economic Development and Technology has no such information.</p> <p>11. n/a</p>
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	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. No The Slovak legislation does not specify any specific TCN visa or type of residence permit for the purpose of start-up/innovative business. However, if a TCN wants to establish an innovative business in Slovakia, he/she can document the purpose of temporary residence by their innovative project business plan when applying for temporary residence for purpose of business. In this case, the respective decision process is accelerated on two levels: 1. Lower financial guarantee required for the business – along with the application for temporary residence, the TCN has to prove a financial guarantee amounting to 40 times of the minimum living wage (in comparison to 100 times the minimum living wage in standard procedure) .2. The shortened application processing period – the period to issue the decision on the temporary residence application is 30 days (in comparison to a 90-days period in standard procedure) .</p> <p>2. The temporary residence for the purpose of business (including innovative business) can be granted for a period of maximum 3 years with a possibility of repeated renewal. In the process of residence renewal, the police department examines the contribution of the applicant's business activity and its effectiveness on two levels. During the decision process regarding the temporary residence application/its renewal, the police department takes into account the economic interests of the SR, mainly the contribution of the TCN's business for the Slovak economy.[1] At the same time, the TCN applying for the renewal of temporary residence for the purpose of business concerning an innovative project whose business plan was evaluated by the Ministry of Economy of the SR, must prove company profit after tax for the previous tax period amounting to a minimum of 20 times the minimum living wage. Even if the TCN's business did not reach the specified profit after tax for the previous tax period, the police department can still renew his/her residence if the Ministry of Economy of the Slovak Republic considers the business activity of his/her commercial company or cooperative beneficial for the economic interests of the SR.[2]</p> <p>[1] Section 33, Paragraph 1 and Section 34, Paragraph 10 of Act on Residence of Foreigners [2] Section 34, Paragraph 15 of Act on Residence of Foreigners</p> <p>3. See answer to question 2.</p>
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			<p>4. See answer to question 2.</p> <p>5. See answer to question 2.</p> <p>6. Yes In case the temporary residence for the purpose of business (including innovative business) is (not) granted or renewed the foreigner who was applying for the residence is informed about this fact.</p> <p>7. If the conditions provided in question 2 are not met the temporary residence for the purpose of business (including innovative business) will be not granted or renewed.</p> <p>8. Temporary residence for the purpose of business is not bound to start-up as such, instead, it is bound to the fact that the TCN acts on behalf of a commercial company/cooperative, which must meet the legal requirements, i.e. be permitted to perform business. The police department withdraws the temporary residence for the purpose of business if the purpose cease to exist, e.g. if the TCN no longer acts on behalf of the company, or if the company ceased to exist, regardless of the type of business.[1]</p> <p>If the business is closed or ceases to exist, the police department withdraws the temporary residence for the purpose of business.</p> <p>A business plan change during the period of legal residence does not affect its validity as far as the purpose of residence is still applicable, i.e. business. In case of renewal, the TCN must provide relevant documents to prove that legal requirements have been met, e.g. required profit after tax.</p> <p>If the business plan changes and the business entity decides to change/extend their subject of business (business area), it is necessary to obtain a valid trade license before the subject of business is changed/extended.</p> <p>[1] Section 36, Paragraph 1, Letter a) of Act on Residence of Foreigners</p>
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			<p>9. Yes. Within 15 days from the delivery of the decision.</p> <p>10. This information is not available.</p> <p>11. NA</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. No</p> <p>2. No.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> <p>6. No</p> <p>7. Not applicable.</p> <p>8. Not applicable.</p> <p>9. Not applicable.</p> <p>10. No.</p> <p>11.</p>


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			No special visa/residence permit programme is foreseen. Potential entrepreneurs and start-ups can apply via general admission routes for self-employment, investor and gainful activity (single permit for residence and work or single permit for self-employed person).
	EMN NCP Spain	Yes	<p>1. Yes</p> <p>2. According to Spanish legislation, visas last for a year and then the entrepreneur has to apply for residence. Likewise, residence permits have a 2-year validity and if the entrepreneur wants to stay in Spain, he/she must renew that special entrepreneur permit. When this renewal application is made, the Spanish administration examines the project and checks that it still fulfills the conditions set by the law. Should the project no longer fulfill them, residence might be revoked.</p> <p>3. See question 2.</p> <p>4. According to Spanish law, the conditions to obtain the special entrepreneur visa/residence are added value or added innovation to the Spanish economy or jobs created. These conditions are examined again in the renewal of the residence.</p> <p>5. The Foreign Investment Department at the Ministry for Industry, Trade and Tourism.</p> <p>6. Yes</p> <p>7. No, if the applicant wants to improve, he/she can challenge the decision of present a new and improved application</p>

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			<p>8. The residence might be revoked.</p> <p>9. All administrative decisions can be appealed. However, it is only the final decision, made by the Migration Ministry, the one that can be challenged. The evaluation of the entrepreneur project is not considered an administrative decision and thus, cannot be challenged.</p> <p>10. A few applicants might present a project and at the time of the renewal may not present any progress whatsoever.</p> <p>11.</p>
	EMN NCP Sweden	Yes	<p>1. No</p> <p>2. No, there are no special program for Start ups in Sweden, they follow the same legislation as any other entrepreneur. The Start ups are evaluated as any other companies' growth</p> <p>3. After two years</p> <p>4. No program and we evaluate only the economic results</p> <p>5.</p>

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			<p>All entrepreneurs and their company are evaluated by the Migration Agency in the question of residence permit</p> <p>6. Yes</p> <p>7. Yes All entrepreneurs have to be able to support themselves after two years</p> <p>8. They will not get an extended residence permit, they will have to leave the country.</p> <p>9. Yes</p> <p>10. No information available</p> <p>11. Not applicable</p>
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