



AD HOC QUERY ON 2021.20 Structure of national migration laws and terminology used

Requested by EMN NCP Belgium on 9 April 2021

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (23 in Total)

Disclaimer:

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1. Background information

In Belgium, the main legal provisions on migration and asylum are set out in the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals. The act, commonly referred to as “Aliens Act” (French: *Loi sur les étrangers*, Dutch: *Vreemdelingenwet*) and translated in English as “Immigration Act”, has been revised dozens of times ever since its adoption. According to experts, the multiple amendments have rendered the law overly complicated and unreadable.

The current federal government, in office since October 2020, announced that it would replace the Immigration Act by a new Migration Code. By means of this Code, the government intends to ensure greater clarity in Belgian asylum and migration law, to safeguard legal certainty and to avoid inconsistencies. The Code is currently being drafted by a committee of experts including academics, government officials, lawyers and practitioners.

In the context of these works, our national experts would like to receive more information about the structure of national migration laws of other Member States and the terminology used for migration policies, subjects and institutions.

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2. Questions

- 1. What are the names of the major national laws on asylum and migration in your Member State? For each act, please provide the name in your national language(s) and a literal translation in English.**
- 2. If some or all of these laws have been codified (merged into a single Code), please indicate the year of codification and the former names (in English) of the laws that have been codified.**
- 3. How are the major national laws on migration referred to in Q1 structured? For each act, please provide the main titles/chapters (in English) and a link to its current version (if available).**
- 4. Which term(s) and definition(s) does your national legislation use for a) a non-national in general (including both Union citizens and third-country nationals) and b) an undocumented migrant? For each term, please provide the name in your national language(s) and a literal translation in English.**
- 5. What are the official names of a) the national immigration office(s) responsible for the entry, stay and/or return of non-nationals, b) the office(s) responsible for the examination of applications for international protection, c) the (administrative and/or judicial) appeal instance(s) in migration procedures and d) detention facilities? For each institution, please provide the word in your national language(s) and a literal translation in English.**
- 6. Does the national legislation of your Member State provide for advisory (non-judicial) bodies or commissions that can/should be consulted for policy advice or decisions on residence or removal? If yes, please list these bodies, explain their role, and refer to the relevant legal provisions.**

We would very much appreciate your responses by **10 May 2021**.


3. Responses

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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.

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	<ol style="list-style-type: none"> 1. <ul style="list-style-type: none"> • Asylum: Asylgesetz 2005 (Asylum Act 2005) • Migration: • Niederlassungs- und Aufenthaltsgesetz (Settlement and Residence Act) • Fremdenpolizeigesetz 2005 (Aliens Police Act 2005) 2. <ul style="list-style-type: none"> • Asylum Act 1997 => codified 2005 => Asylum Act 2005 • Aliens Act 1997 =>codified 2005 => • Settlement and Residence Act • Aliens Police Act 2005 (see https://www.parlament.gv.at/PAKT/VHG/XXII/I/I_00952/fname_040777.pdf, p. 1) 3. Please see attachment (sent by e-mail due to technical issues). austrian_laws.pdf 4. <ol style="list-style-type: none"> 1. Fremder => alien – a person who does not have Austrian citizenship (Art. 2 para 1 subpara 20a Asylum Act 2005; Art. 2 para 1 subpara 1 Settlement and Residence Act; Art. 2 para 4 subpara 1 Aliens Police Act 2005)

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>2. Fremder => alien – no definition</p> <p>5.</p> <p>1. Entry: Organe des öffentlichen Sicherheitsdienstes => officials of the public security service (acting for the provincial police directorates or the Federal Office for Immigration and Asylum)</p> <p>Stay: Landeshauptmann => governor of the province</p> <p>Return: Bundesamt für Fremdenwesen und Asyl => Federal Office for Immigration and Asylum</p> <p>1. Bundesamt für Fremdenwesen und Asyl => Federal Office for Immigration and Asylum</p> <p>2. Landesverwaltungsgericht => provincial administrative court (in migration matters, not asylum), Verwaltungsgerichtshof und/oder Verfassungsgerichtshof => Supreme Administrative Court and/or Constitutional Court</p> <p>3. Polizeianhaltezentrum => Police Detention Center</p> <p>6. When issuing certain residence titles – e.g. the Red-White-Red Card – a written notification from the regional office of the Public Employment Service is required, confirming that the admission requirements have been met (see e.g. Art. 41 para 2 Settlement and Residence Act in conjunction with Art. 20d para 1 Act Governing the Employment of Foreign Nationals).</p> <p>In addition, the Child Welfare Commission was established recently, consisting of five experts, who review the legal framework for children and its application practice in asylum and right of stay proceedings. The commission will publish recommendations. In this context, the main focus should be on identifying any need for change in current administrative practice and legislation.</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. French: Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers Dutch: Wet betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen Literal English translation: law regarding the entry, residence, settlement and removal of aliens</p> <p>2. n/a</p>

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			<p>3. Structure of the current Immigration Act:</p> <p>TITLE I: GENERAL PROVISIONS</p> <p>Chapter I: Definitions</p> <p>Chapter Ibis: Introduction of an application for residence</p> <p>Chapter Iter: General provisions regarding the introduction of an application for residence and an application for international or temporary protection</p> <p>Chapter II: Entry to the territory, short stay and illegal stay</p> <p>Chapter III: Stay of more than three months</p> <p>Chapter IV: Settlement and status of EU long-term resident</p> <p>Chapter V: Absence and return of the foreign national</p> <p>Chapter VI: End of residence of more than three months for reasons of public order or national security</p> <p>Chapter VIbis: Security measures</p> <p>Chapter VII: Additional security measures</p> <p>Chapter VIIbis: Collection of biometric data</p> <p>Chapter VIII: Advisory bodies for foreign nationals</p> <p>TITLE Ibis: THE COUNCIL FOR ALIEN LAW LITIGATION</p> <p>(...)</p> <p>TITLE II: ADDITIONAL PROVISIONS AND DEROGATIONS REGARDING CERTAIN CATEGORIES OF FOREIGN NATIONALS</p> <p>Chapter I: Foreign nationals, Union citizens and their family members and foreign nationals, family members of a Belgian citizen</p> <p>Chapter Ibis: Other family members of a Union citizen</p> <p>Chapter Iter: Beneficiaries of the withdrawal agreement</p> <p>Chapter II: Refugees and persons eligible for subsidiary protection</p> <p>Chapter III: Students</p> <p>Chapter IV: Foreign nationals victim of trafficking in human beings</p> <p>Chapter V: Persons entitled to EU long-term residence in another EU Member State</p> <p>Chapter VI: Researchers</p> <p>Chapter VII: Unaccompanied minors</p> <p>Chapter VIIbis: Third-country nationals who reside or wish to reside in the territory for the purpose of work for a period of more than ninety days</p> <p>Chapter VIII: Highly-qualified workers – EU Blue Card</p>
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			<p>Chapter VIIIbis: Seasonal workers Chapter VIIIter: Intra-corporate transferees TITLE III: PROCEDURAL GUARANTEES AND REMEDIES Chapter I: Right to be heard, justification and notification of administrative decisions and appeals Chapter II: (provisions abolished) Chapter III: request to end certain security measures Chapter IV: (chapter abolished) Chapter V: Judicial review Chapter VI: Representation TITLE IIIbis: OBLIGATIONS OF CARRIERS IN RESPECT OF THE ENTRY OF FOREIGN NATIONALS INTO THE TERRITORY TITLE IIIter: SPECIAL PROVISIONS REGARDING CERTAIN FOREIGN NATIONALS TITLE IIIquater: PROVISIONS APPLYING TO THE RETURN OF THIRD-COUNTRY NATIONALS RESIDING ILLEGALLY ON THE TERRITORY TITLE IIIquinqies: FRAUD TITLE IV: PENAL PROVISIONS TITLE V: AMENDING, TRANSITIONAL, ABOLISHING AND FINAL PROVISIONS</p> <p>Links: http://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel (French) http://www.ejustice.just.fgov.be/eli/wet/1980/12/15/1980121550/justel (Dutch)</p> <p>4. a) French: étranger Dutch: vreemdeling Literal English translation: alien Definition: anyone who does not provide proof of holding the Belgian nationality</p> <p>b) There is no specific concept in Belgian law for an undocumented migrant. The law does define "illegal stay". Definition: the presence on the territory of an alien who does not comply, or no longer complies, with the conditions for access to or stay on the territory. Literal English translation: not available</p>
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			<p>5. a) French: Office des Etrangers Dutch: Dienst Vreemdelingenzaken Literal English translation: alien's office (note: in English, the name "Immigration Office" is mostly used, but the literal translation is "alien's office")</p> <p>b) French : Commissariat Général aux Réfugiés et aux Apatrides Dutch : Commissariaat-generaal voor de Vluchtelingen en Staatlozen Literal English translation: office of the commissioner general for refugees and stateless persons</p> <p>c) French: Conseil du Contentieux des Etrangers Dutch: Raad voor vreemdelingenbetwistingen Literal English translation: council for aliens litigations (note: in English, the name "Council for Alien Law Litigation" is mostly used, but the literal translation is "aliens litigations council")</p> <p>d) The six detention facilities in Belgium have different names: French: Centres pour illégaux; Centre de transit; Centre de rapatriement Dutch: Centra voor illegalen; transitcentrum; repatriëringscentrum Literal English translation: centre for illegal persons; transit centre; repatriation centre</p> <p>6. - Advisory board on foreign nationals: provide prior advice on bills and legislative proposals concerning the entry, residence, settlement and removal of foreign nationals (Art. 31 Immigration Act; not implemented in practice) - Advisory committee on foreign nationals: provide advice to the competent Minister a) in cases provided for by law and b) upon request by the minister on a decision to be taken concerning a foreign national (Art. 32 Immigration Act; not implemented in practice)</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1.</p> <ul style="list-style-type: none"> - Law on Asylum and Refugees – Закон за убежището и бежанците; - Law on Foreigners in the Republic of Bulgaria – Закон за чужденците в Република България; - Law on entering, residing and leaving the Republic of Bulgaria by European Union citizens and their family

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			<p>members – Закон за влизането, пребиваването и напускането на Република България на гражданите на Европейския съюз и членовете на техните семейства.</p> <p>2. The relevant laws have not been codified.</p> <p>3.</p> <p>1. Structure of the Law on Asylum and Refugees – (https://lex.bg/laws/ldoc/2135453184) Chapter One. GENERAL PROVISIONS Chapter Two. TYPES OF PROTECTION Chapter Three. GROUNDS FOR REFUSAL, TERMINATION AND WITHDRAWAL OF PROTECTION AND FOR TERMINATION OF PROCEDURE Chapter Four. RIGHTS AND OBLIGATIONS OF FOREIGNERS SEEKING OR RECEIVING PROTECTION Chapter Five. SPECIALISED STATE AUTHORITY AND ADMINISTRATION Chapter Six. PROCEDURE Chapter Seven. JUDICIAL REVIEW Chapter Eight. ADMINISTRATIVE CRIMINAL LIABILITY Chapter Nine. LISTS OF SAFE COUNTRIES</p> <p>1. Structure of the Law on Foreigners in the Republic of Bulgaria – (https://www.lex.bg/laws/ldoc/2134455296) Chapter One. GENERAL PROVISIONS Chapter Two. ENTRY AND AIRPORT TRANSIT Chapter Two "a". PROVISION OF STATUS TO A STATELESS PERSON IN THE REPUBLIC OF BULGARIA Chapter Three. RESIDENCE OF FOREIGNERS IN THE REPUBLIC OF BULGARIA Chapter Three "a". RESIDENCE OF A FOREIGNER WHO HAS RECEIVED A PERMISSION FOR LONG-TERM RESIDENCE IN ANOTHER MEMBER STATE OF THE EUROPEAN UNION Chapter Three "b". RESIDENCE OF THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF HIGHLY QUALIFIED EMPLOYMENT Chapter Three "c". RESIDENCE OF THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF THE INTRACORPORATE TRANSFER Chapter Four. LEAVING THE REPUBLIC OF BULGARIA BY FOREIGNERS</p>
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			<p>Chapter Five. COERCIVE ADMINISTRATIVE MEASURES Chapter Six. INFORMATION ACTIVITY OF THE SERVICES FOR ADMINISTRATIVE CONTROL OF FOREIGNERS IN THE REPUBLIC OF BULGARIA</p> <p>1. Structure of the Law on entering, residing and leaving the Republic of Bulgaria by European Union citizens and their family members – (https://www.lex.bg/laws/ldoc/2135535758) Chapter One. GENERAL PROVISIONS Chapter Two. RIGHT TO ENTER AND LEAVE THE REPUBLIC OF BULGARIA Chapter Three. TYPES AND PERIODS OF RESIDENCE Chapter Four. RESTRICTIONS ON THE RIGHT OF ENTRY AND THE RIGHT OF RESIDENCE Chapter Five. ADMINISTRATIVE PENAL PROVISIONS</p> <p>4. The terms the Bulgarian national legislation uses are the following: - “гражданин на Европейския съюз“ for the term “citizen of the European Union” (according to Article 2 of the Law on entering, residing and leaving the Republic of Bulgaria by European Union citizens and their family members, “A citizen of the European Union is any person who is a citizen of a Member State of the European Union”); - “чужденец”, i.e. “foreigner” – for third-country nationals (EU citizens are referred to in the abovementioned law) and stateless persons (according to Article 2 of the Law on Foreigners in the Republic of Bulgaria, “A foreigner within the meaning of this Law is any person who is not a Bulgarian citizen. A foreigner is also a stateless person – a person who is not considered a citizen of any country in accordance with its legislation.”)</p> <p>5. a) The national immigration offices responsible for the entry, stay and/or return of non-nationals are: - Migration Directorate – Ministry of Interior (Дирекция „Миграция“ – МВР); - Border Police Chief Directorate – Ministry of Interior (Главна дирекция „Гранична полиция“ – МВР); b) The office responsible for the examination of applications for international protection is the State Agency for Refugees with the Council of Ministers (Държавна агенция за бежанците при Министерски съвет); c) The judicial proceedings entail two levels of jurisdiction: - Administrative Court (Административен съд) - Supreme Administrative Court. (Върховен административен съд); The procedures also foresee Administrative appeal (Административно производство по обжалване). d) The detention facilities are the Special Homes for Temporary Accommodation of Foreigners within the Migration</p>
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			<p>Directorate (Специални домове за временно настаняване на чужденци към дирекция „Миграция“).</p> <p>6. The Bulgarian legislation does not provide for such bodies.</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1.</p> <ul style="list-style-type: none"> • Zakon o međunarodnoj i privremenoj zaštiti (O. G. no. 70/15, 127/17) – The Act on International and Temporary protection • Zakon o strancima (O.G. no. 133/20) – The Foreigners Act • Zakon o državljanima država članica Europskog gospodarskog prostora i članovima njihovih obitelji (O.G. no. 66/19, 53/20, 144/20) – The Act on European Economic Area Nationals and Members of Their Families • Zakon o upućivanju radnika u Republiku Hrvatsku i prekograničnoj provedbi odluka o novčanoj kazni (O. G. no. 128/20) – The Act on the posting of workers to the Republic of Croatia and cross-border enforcement of fines • Zakon o reguliranim profesijama i priznavanju inozemnih stručnih kvalifikacija (O. G. no. 82/15, 70/19, 47/20) – The Act on regulated professions and recognition of foreign professional qualifications • Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj (O. G. no. 80/13, 15/18, 26/21) – The Act on Compulsory Health Insurance and Health Care of Foreigners in the Republic of Croatia <p>2. None of the laws above have been codified.</p> <p>3.</p> <p>Zakon o međunarodnoj i privremenoj zaštiti (O. G. no. 70/15, 127/17) Part One – General provisions Title I. Fundamental Provisions Title II. Conditions for Approval of International Protection Title III. Procedural Provisions Section I. – Activities in the Procedure Section II. – Regular Procedure</p> <p>The Act on International and Temporary protection (O. G. no. 70/15) https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</p>

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			<p>(O. G. no. 127/17) https://narodne-novine.nn.hr/clanci/sluzbeni/2017_12_127_2880.html</p> <p>Zakon o strancima (O.G. no. 133/20)</p> <p>The Foreigners Act</p> <p>(O.G. no. 133/20) https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</p>	<p>Section III. – Special Procedures Section IV. – Cessation and Revocation Section V. – Remedy Title IV. Rights and Obligations of Applicants Title V. Rights and Obligations of Asylees and Foreigners under Subsidiary Protection Title VI. Temporary Protection Title VII. Authority to Adopt Regulations and Manage Databases Title VIII. Transitional and Final Provisions</p> <p>I. General Provisions II. Travel Documents for Third-Country Nationals III. Visas IV. Entry and Exit of Third-Country Nationals V. Stay of Third-Country Nationals VI. Work of Third-Country Nationals VII. Long-term residence and Permanent Stay VIII. Stay and Work of Third-Country Nationals who are granted Long-term Residence in another EEA Member State and of their Family Members IX. Documents of Third-Country Nationals X. Registering Stay XI. Measures for Ensuring Return XII. Movement of Third-Country Nationals in Uniforms XIII. Employer Obligations towards Third-Country National who was employed illegally XIV. Inspection and Administrative Supervision</p>
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			<p>of Implementation of the Act XV. Data Collections XVI. The Immigration Policy XVII. Penal Provisions XVIII. Transitional and Final Provisions</p>
		<p>Zakon o državljanima država članica Europskog gospodarskog prostora i članovima njihovih obitelji (O.G. no. 66/19, 53/20, 144/20)</p> <p>The Act on European Economic Area Nationals and Members of their Families</p> <p>(O.G. no. 66/19) https://narodne-novine.nn.hr/clanci/sluzbeni/2019_07_66_1288.html</p> <p>(O.G. no. 53/20) https://narodne-novine.nn.hr/clanci/sluzbeni/2020_04_53_1060.html</p> <p>(O.G. no. 144/20) https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_144_2767.html</p>	<p>I. General Provisions II. Entry and Exit of EEA Nationals and of their Family Members III. Short-term Stay of EEA Nationals and of their Family Members IV. Temporary Stay of EEA Nationals and of their Family Members V. Permanent Stay of EEA Nationals and of their Family Members VI. Documents of EEA Nationals and of their Family Members VII. Temporary and Permanent Residence of EEA Nationals and of their Family Members VIII. Restrictions of Entry and Residence of EEA Nationals and of their Family Members VIII.A UK nationals and their Family Members who are Beneficiaries of the Agreement IX. Data Collections X. Administrative Supervision of Implementation of the Act XI. Penal Provisions XII. Transitional and Final Provisions</p>
		<p>Zakon o upućivanju radnika u Republiku Hrvatsku i prekograničnoj</p>	<p>Title I. General Provisions</p>

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			<p>provedbi odluka o novčanoj kazni (O. G. no. 128/20)</p> <p>The Act on the Posting of Workers to the Republic of Croatia and Cross-border Enforcement of Fines</p> <p>(O. G. no. 128/20) https://narodne-novine.nn.hr/clanci/sluzbeni/2020_11_128_2438.html</p> <p>Zakon o reguliranim profesijama i priznavanju inozemnih stručnih kvalifikacija (O. G. no. 82/15, 70/19, 47/20)</p> <p>The Act on Regulated Professions and Recognition of Foreign Professional Qualifications</p> <p>(O. G. no. 82/15) https://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_82_1569.html</p>	<p>Title II. Posting of Workers to the Republic of Croatia</p> <ol style="list-style-type: none"> 1. Work Conditions of Posted Worker 2. Posted Agency Workers 3. Duration of Posting <p>Title III. Administrative Requisition</p> <ol style="list-style-type: none"> 1. Foreign Employers Obligations 2. Judiciary Protection, Access to Information and Administrative Cooperation 3. Assessment of Facts Inherent to Posting <p>Title IV. Cross-border Enforcement of Fines in regards to Posting of Workers</p> <ol style="list-style-type: none"> 1. Cooperation in Cross-border Implementation of Decisions 2. The Procedure of Cooperation and Obligations of Competent Authorities <p>Title V. Inspection and Administrative Supervision</p> <p>Title VI. Penal Provisions</p> <p>I. General Provisions</p> <p>II. Providing Services on the Temporary and Occasional Basis on the Ground of Foreign Professional Qualifications</p> <p>III. General System of Recognition of Foreign Professional Qualifications for the Purpose of Exercising the Right of Establishment</p> <p>IV. Automatic System of Recognition of Foreign</p>
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			<p>(O. G. no. 70/19) https://narodne-novine.nn.hr/clanci/sluzbeni/2019_07_70_1452.html</p> <p>(O. G. no. 47/20) https://narodne-novine.nn.hr/clanci/sluzbeni/2020_04_47_948.html</p> <p>Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj (O. G. no. 80/13, 15/18, 26/21)</p> <p>The Act on Compulsory Health Insurance and Health Care of Foreigners in the Republic of Croatia</p> <p>(O. G. no. 80/13) https://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_80_1667.html</p> <p>(O. G. no. 15/18) https://narodne-novine.nn.hr/clanci/sluzbeni/2018_02_15_318.html</p> <p>(O. G. no. 26/21) https://narodne-novine.nn.hr/clanci/sluzbeni/2021_03_26_565.html</p> <p>4. a) non-national in general – stranac (translated in legislation: Foreigner, literal translation: Foreigner/Alien)</p> <p>a) Third-country national – državljanin treće zemlje (translated in legislation: Third-country national, literal translation: National of a third country)</p>	<p>Professional Qualifications for the Purpose of Exercising the Right of Establishment</p> <p>VI. Application of Professional Titles and Titles Acquired after the Higher Education</p> <p>VII. Information Provision and Cooperation</p> <p>VIII. Recognition of Foreign Professional Qualifications Acquired in Third Countries</p> <p>IX. Transitional and Final Provisions</p> <p>I. General Provisions</p> <p>II. Mandatory Health Insurance</p> <p>III. Health Care of Foreigners</p> <p>IV. Procedure for the Collection of Health Care Costs in Case when Foreigner Personally Bears the Costs</p> <p>V. National Contact Point</p> <p>VI. Penal Provisions</p> <p>VII. Transitional and Final Provisions</p>
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			<p>a) Union Citizen – državljanin države članice Europskog gospodarskog prostora (translated in legislation: European Economic Area National, literal translation: National of a Member State of European Economic Area)</p> <p>undocumented migrant – there is no available translation</p> <p>5.</p> <p>a) the national immigration office(s) responsible for the entry, stay and/or return of non-nationals</p> <p>Uprava za imigraciju, državljanstvo i upravne poslove</p> <p>Služba za strance Odjel za zakonite boravke stranaca Odjel za vize</p>	<p>The Border Police Directorate</p> <p>Service for State Border Protection and Compensation Measures</p> <p>Service for Neighbouring Countries</p> <p>Illegal Migration Service</p> <p>Service for Maritime and Airport Police</p> <p>Reception Centre for Foreigners</p> <p>Mobile Unit for State Border Control</p> <p>Service of National Coordination Center and Risk Analysis</p> <p>Directorate for Immigration, Citizenship and Administrative Affairs</p> <p>Service for Foreigners</p> <p>Department for Legal Stay of Foreigners</p> <p>Visa Department</p>
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			<p>b) the office(s) responsible for the examination of applications for international protection</p> <p>Uprava za imigraciju, državljanstvo i upravne poslove Služba za međunarodnu zaštitu Odjel za postupak međunarodne zaštite Odjel za dublinski postupak Odjel za integraciju</p> <p>Directorate for Immigration, Citizenship and Administrative Affairs Service for International Protection International Protection Procedure Department Dublin procedure Department Integration Department</p> <p>c) the (administrative and/or judicial) appeal instance(s) in migration procedures</p> <p>Upravni sudovi: Upravni sud u Zagrebu Upravni sud u Osijeku Upravni sud u Rijeci Upravni sud u Splitu</p> <p>Administrative Courts: Administrative Court in Zagreb Administrative Court in Osijek Administrative Court in Rijeka Administrative Court in Split</p> <p>d) detention facilities</p> <p>Uprava za granicu Prihvatni centar za strance Ježevo Tranzitno prihvatni centar za strance Tovarnik Tranzitno prihvatni centar Trilj</p> <p>The Border Police Directorate Reception Center for Foreigners Ježevo Transit Reception Center for Foreigners Tovarnik Transit Reception Center for Foreigners Trilj</p> <p>6. Yes, the issuance of a residence and work permit can be based on the opinion and labor market testing of the Croatian Employment Service, as prescribed by articles 97, 98, and 99. of the Foreigners Act (133/20).</p>
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			<p>The Ministry of Interior, through the police administration or police station, may issue a residence and work permit to a third-country national who meets the conditions, based on a positive opinion of the Croatian Employment Service. The application for the issuance of a residence and work permit should be accompanied by: employment contract and proof of meeting the requirements of employers required in the labor market test relating to the level of education, educational qualifications, work experience, and all other conditions required by the employer.</p> <p>Before submitting an application for a residence and work permit, the employer is obliged to request a labor market test at the regional office or office of the Croatian Employment Service (except in certain cases prescribed by the law). The labor market test includes checking the situation in the register of unemployed persons and the mediation procedure for the purpose of employing workers from the national labor market. If the labor market test has shown that there are no available persons in the register of unemployed persons who meet the employer's requirements for employment or they cannot be met by migrations of unemployed persons in the country, the employer may request a residence and work permit within 90 days the day of receipt of the notification on the result of the labor market test.</p>
	EMN NCP Cyprus	Yes	<p>1. <u>National law on Asylum</u> GR: Περί Προσφύγων Νόμος του 2000 (6(I)/2000) ENG: Refugee Law of 2000 (6(I)/2000)</p> <p><u>National law on Migration</u> GR: Ο περί Αλλοδαπών και Μετανάστευσης Νόμος (Κεφ.105) ENG: Aliens and Immigration Law (Cap.105)</p> <p>2. No.</p> <p>3. <u>Cyprus Refugee Law 2000 (6(I)/2000):</u> PART I- INTRODUCTORY PROVISIONS PART II- ENTRY OF APPLICANTS IN THE REPUBLIC AND PERMIT FOR TEMPORARY RESIDENCE PART III- RECOGNITION OF REFUGEE STATUS PART IV- RIGHTS AND OBLIGATIONS OF REFUGEES</p>

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			<p>PART V- REFUGEE AUTHORITY PART VI- FINAL PROVISIONS</p> <p>Link: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html (Greek only)</p> <p>Note: since its ratification, several amendments came into force, namely Laws 6(I)/2002, 53(I)/2003, 67(I)/2003, 9(I)/2004, 241(I)/2004, 154(I)/2005, 112(I)/2007, 122(I)/2009, 9(I)/2013, 58(I)/2014, 59(I)/2014, 105(I)/2016, 106(I)/2016, 80(I)/2018, 116(I)/2019 and 142(I)/2020.</p> <p><u>Aliens and Immigration Law (Cap.105)</u></p> <ol style="list-style-type: none">1. Short title2. Interpretation3. Approved Ports4. Immigration officers5. Immigration officer to have powers of police officer6. Prohibited immigrants7. Power to prohibit entry in certain cases <p>7A. Marriage of convenience 7B. Advisory committee 7C. Hierarchical Appeal 7D. Offences and penalties</p> <ol style="list-style-type: none">1. Certain persons to enter freely2. Passports and visas3. No alien to have an absolute right of entry4. Special provisions relating to crews of ships or aircraft of friendly States5. Special provisions relating to persons entering or leaving the Colony6. Order to prohibited immigrant to leave the Colony7. Deportation orders <p>14A. Deportation of working aliens 14B. Unlawful; employment of an alien 14C. Taking of fingerprints</p>
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			<ol style="list-style-type: none">1. Repatriation of destitute employees2. Recovery of expenses of deportation, etc. <p>16A. Deportation expenses of a working immigrant.</p> <ol style="list-style-type: none">1. Liability of ship or aircraft to repatriate prohibited immigrant2. Power to Governor in Council to make Regulations3. Offences and penalties4. Power to Governor in Council to make Regulations5. Saving <p>Link: http://www.cylaw.org/nomoi/indexes/105.html (initial law in English, all amendments in Greek language)</p> <p>Note: since its ratification, several amendments came into force, namely Laws 2/1972, 54/1976, 50/1988, 197/1989, 100(I)/1996, 43(I)/1997, 14(I)/1998, 22(I)/2001, 164(I)/2001, 88(I)/2002, 220(I)/2002, 66(I)/2003, 178(I)/2004, 8(I)/2007, 184(I)/2007, 29(I)/2009, 143(I)/2009, 153(I)/2011, 41(I)/2012, 100(I)/2012, 117(I)/2012, 32(I)/2013, 49(I)/2013, 88(I)/2014, 129(I)/2014, 17(I)/2015, 16(I)/2016, 2(I)/2017, 9(I)/2017, 71(I)/2017, 6(I)/2019, 8(I)/2019, 127(I)/2019, 169(I)/2019, 116(I)/2020, 143(I)/2020 and lastly 46(I)/2021.</p> <p>4. non-national in general (including TCN and EU citizens) GR: αλλοδαπός EN: alien undocumented migrant: no specific term is used. They may be referred as μετανάστες χωρίς ταξιδιωτικά έγγραφα / παράτυποι μετανάστες migrants without travel documents / irregular migrants</p> <p>5. - National immigration office(s) responsible for the entry, stay and/or return of non-nationals GR: Τμήμα Αρχείου Πληθυσμού και Μετανάστευσης ENG: Civil Registry and Migration Department</p> <p>- Office(s) responsible for the examination of applications for international protection GR: Υπηρεσία Ασύλου</p>
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			<p>ENG: Asylum Service</p> <p>- The (administrative and/or judicial) appeal instance(s) in migration procedures For appeals on residence permit of non-nationals: GR: Διοικητικό Δικαστήριο ENG: Administrative Court</p> <p>For appeals against the decision of the Administrative Court, those can be filed to the: GR: Ανώτατο Δικαστήριο ENG: Supreme Court</p> <p>For appeals on international protection applications: GR: Διοικητικό Δικαστήριο Διεθνούς προστασίας ENG: International Protection Administrative Court</p> <p>For appeals against the decision of the International Protection Administrative Court, those can be filed to the: GR: Ανώτατο Δικαστήριο ENG: Supreme Court</p> <p>1. Detention facilities GR: Χώρος Κράτησης Απαγορευμένων Μεταναστών ENG: Area for Detention of Prohibited Immigrants</p> <p>6. Yes, on an advisory basis.</p> <ul style="list-style-type: none">- EASO, UNHCR shall be used as a source of information about the country of origin, in the case of cessation of refugee status (art. 6 (1d) of the Refugee Law)- Other member states, EASO, UNHCR, CoE and other IO shall be used as a source of information during the evaluation of a country as a safe country of origin (art. 12BBB (3) of the Refugee Law)- ASO, UNHCR shall be used as a source of information about a specific area in the country of origin, in examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin (art. 12C (3) of the Refugee
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			<p>Law)</p> <ul style="list-style-type: none"> - EASO, UNHCR, and other Human Rights IO shall be used as a source of information during the examination of an application regarding the situation in the country of origin and/or country of transit. (art. 18 (7a) of the Refugee Law) - UNCHR may act as an observer/consultant during any interview of an asylum seeker, as well as a consultant to the Asylum Service (the competent authority) for any decision on an asylum application (art. 31A of the Refugee Law)
	EMN NCP Czech Republic	Yes	<p>1. Zákon č. 326/1999 Sb., o pobytu cizinců na území České republiky a o změně některých zákonů, ve znění pozdějších předpisů Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendments to certain Acts, as amended</p> <p>Zákon 325/1999 Sb., o azylu, ve znění pozdějších předpisů Act No. 325/1999 Coll., on Asylum, as amended</p> <p>Please find attached preliminary translations of above mentioned Acts. Please note that they are not finalised and therefore they are only for internal use. act_on_asylum.pdf</p> <p>2. No foreigners_act_draft.pdf</p> <p>3. Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendments to certain Acts, as amended</p> <p>DIVISION ONE: RESIDENCE OF FOREIGN NATIONALS IN THE TERRITORY OF THE CZECH REPUBLIC</p> <ol style="list-style-type: none"> 1. INTRODUCTORY PROVISIONS 2. ENTRY INTO THE TERRITORY 3. TEMPORARY RESIDENCE IN THE TERRITORY

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			<p>4. PERMANENT RESIDENCE IN THE TERRITORY</p> <p>4a.RESIDENCE OF A CITIZEN OF THE EUROPEAN UNION AND FAMILY MEMBERS THEREOF IN THE TERRITORY</p> <p>1. RESIDENCE OF A FOREIGN NATIONAL BORN IN THE TERRITORY</p> <p>2. FOREIGN NATIONAL'S DEPARTURE FROM THE TERRITORY</p> <p>3. REGISTRATION OF A PLACE OF RESIDENCE IN THE TERRITORY</p> <p>4. OBLIGATIONS</p> <p>5. TRAVEL DOCUMENT</p> <p>9a.RESIDENCE CARD</p> <p>1. EXPULSION</p> <p>2. SPECIAL MEASURES FOR THE DEPARTURE OF A FOREIGN NATIONAL FROM THE TERRITORY AND DETENTION OF A FOREIGN NATIONAL</p> <p>3. DETENTION FACILITY</p> <p>4. TRANSIT OF A FOREIGN NATIONAL; UNDESIRABLE FOREIGN NATIONAL</p> <p>13a. INTEGRATION OF FOREIGN NATIONALS</p> <p>1. ADMINISTRATIVE OFFENCES</p> <p>2. INFORMATION SYSTEMS</p> <p>3. COMPETENCE OF THE POLICE AND THE MINISTRY OF FOREIGN AFFAIRS, POLICE AUTHORISATION</p> <p>4. ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW</p> <p>5. COMMON PROVISIONS</p> <p>6. EMPOWERING PROVISIONS</p> <p>7.</p> <p>DIVISION SIX: FINAL PROVISIONS</p> <p>Act No. 325/1999 Coll., on Asylum, as amended</p> <p>PART ONE: INTERNATIONAL PROTECTION</p> <p>1. CHAPTER I: INTRODUCTORY PROVISIONS</p> <p>2. CHAPTER II: APPLICATION FOR INTERNATIONAL PROTECTION AND TRANSPORTATION OF A FOREIGN NATIONAL TO AN ASYLUM FACILITY</p> <p>3. CHAPTER III: INTERNATIONAL PROTECTION PROCEEDINGS AND OTHER PROCEEDINGS CONDUCTED UNDER</p>
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			<p>THIS ACT</p> <ol style="list-style-type: none"> 4. CHAPTER IV: JUDICIAL REVIEW OF DECISIONS IN MATTERS OF INTERNATIONAL PROTECTION 5. CHAPTER V: Costs and Interpreter Fee 6. CHAPTER VI: OFFICE OF THE HIGH COMMISSIONER 7. CHAPTER VII: RIGHTS AND OBLIGATIONS 8. CHAPTER VIII: INTERNATIONAL PROTECTION APPLICANT IDENTITY CARD, RESIDENCE CARD AND TRAVEL DOCUMENTS 9. CHAPTER IX: STATE INTEGRATION PROGRAMME 10. CHAPTER X: RECORD-KEEPING, ADDRESS AND REGISTRATION OF ADDRESS 11. CHAPTER XI: ASYLUM FACILITIES 12. CHAPTER XII: COMMON, EMPOWERING AND TRANSITIONAL PROVISIONS <p>PART TWO (repealed)</p> <p>PART THREE: FINAL PROVISIONS foreigners_act_draft.pdf</p> <ol style="list-style-type: none"> 4. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">a) cizinec</td> <td style="width: 50%;">foreign national, alien</td> </tr> <tr> <td>b) cizinec bez platného cestovního dokladu</td> <td>foreign national without valid travel document</td> </tr> </table> 5. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">a) odbor azylové a migrační politiky Ministerstva vnitra</td> <td style="width: 50%;">Department for Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic</td> </tr> <tr> <td>a) odbor azylové a migrační politiky Ministerstva vnitra</td> <td>Department for Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic</td> </tr> </table> c) <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. krajské správní soudy</td> <td style="width: 50%;">1. Regional Courts</td> </tr> </table> 	a) cizinec	foreign national, alien	b) cizinec bez platného cestovního dokladu	foreign national without valid travel document	a) odbor azylové a migrační politiky Ministerstva vnitra	Department for Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic	a) odbor azylové a migrační politiky Ministerstva vnitra	Department for Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic	1. krajské správní soudy	1. Regional Courts
a) cizinec	foreign national, alien												
b) cizinec bez platného cestovního dokladu	foreign national without valid travel document												
a) odbor azylové a migrační politiky Ministerstva vnitra	Department for Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic												
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			<p>1. Nejvyšší správní soud</p> <p>Komise pro rozhodování ve věcech cizinců</p> <p>d) Správa uprchlických zařízení Ministerstva vnitra ČR</p> <p>6. No</p>	<p>1. Supreme Administrative Court</p> <p>In matters of residence of foreigners against a decision of MoI there is before courts the Commission for decision-making in foreign affairs</p> <p>Refugee Facilities Administration of the Ministry of the Interior of the Czech Republic</p>
	EMN NCP Estonia	Yes	<p>1. Välismaalaste seadus (Aliens Act) - regulates the entry of third country nationals, their stay, residence and employment as well as the bases for legal liability of aliens.</p> <p>Euroopa Liidu kodaniku seadus (Citizen of the European Union Act) - regulates the bases for stay and residence of citizens of the European Union and their family members.</p> <p>Välismaalasele rahvusvahelise kaitse andmise seadus (Act of Granting International Protection to Aliens) - regulates the process of granting international protection to a person, the legal status and basis for stay.</p> <p>Kodakondsuse seadus (Citizenship Act) - regulates issues related to citizenship.</p> <p>Väljasõidukohustuse ja sissesõidukeelu seadus (Obligation to Leave and Prohibition on Entry Act) - provides the basis and procedures regarding obligations to leave, prohibition of entry and the assistance for travel through Estonia.</p> <p>Riigipiiri seadus (State Borders Act) - defines the state border, the border regime and the liability for violation and illegal crossing.</p> <p>2. None of these laws have been codified.</p> <p>3. Numbering structure explanation:</p>	

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			<p>1 Chapter 1.1 Division 1.1.1 Sub-division 1.1.1.1 Sub-sub division</p> <p>————— Aliens Act, English version available at: www.riigiteataja.ee/en/eli/527042021002/consolide. Structure:</p> <ul style="list-style-type: none">1. GENERAL PART<ul style="list-style-type: none">1.1. General Provisions<ul style="list-style-type: none">1.1.1. Scope of application of Act1.1.2. Definitions1.1.3. Legal status of alien in Estonia1.2. General provisions of procedure2. TEMPORARY STAY IN ESTONIA AND SHORT-TERM EMPLOYMENT<ul style="list-style-type: none">2.1. Temporary stay in Estonia<ul style="list-style-type: none">2.1.1. Legal bases for entry into Estonia and temporary stay in Estonia2.1.2. Extension of period of temporary stay in Estonia2.1.3. Premature termination of period of temporary stay in Estonia2.2. Visa<ul style="list-style-type: none">2.2.1. Categories of visas2.2.2. Issue of and refusal to issue visa<ul style="list-style-type: none">2.2.2.1. Issue of visa2.2.2.2. Refusal to issue visa2.2.3. Extension of or refusal to extend period of stay determined by visa2.2.4. Validity of visa<ul style="list-style-type: none">2.2.4.1. Expiry of validity of visa2.2.4.2. Annulment and revocation of visa2.2.5. Visa proceedings<ul style="list-style-type: none">2.2.5.1. Competence2.2.5.2. Application for visa2.2.5.3. Procedure
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			<ul style="list-style-type: none"> 2.2.5.4. Contestation 2.2.5.5. Appeal against decision made in course of contestation 2.2.5.6. Organisation of visa affairs 2.3. Employment in Estonia of alien staying temporarily in Estonia <ul style="list-style-type: none"> 2.3.1. Permissibility of employment of alien staying temporarily in Estonia 2.3.2. Short-term employment in Estonia 3. RESIDENCE AND EMPLOYMENT IN ESTONIA <ul style="list-style-type: none"> 3.1. Temporary residence permit <ul style="list-style-type: none"> 3.1.1. Issue of and refusal to issue temporary residence permit <ul style="list-style-type: none"> 3.1.1.1. Issue of temporary residence permit 3.1.1.2. Refusal to issue temporary residence permit 3.1.2. Extension and refusal to extend temporary residence permit 3.1.3. Validity of temporary residence permit 3.1.4. Bases for issue of temporary residence permit <ul style="list-style-type: none"> 3.1.4.1. Issue of temporary residence permit to settle with spouse 3.1.4.2. Temporary residence permit to settle with close relative 3.1.4.3. Temporary residence permit for study 3.1.4.4. Issue of temporary residence permit for employment 3.1.4.41 European Union Blue Card <ul style="list-style-type: none"> 3.1.4.42 Temporary residence permit for intra-corporate transfer 3.1.4.5. Temporary residence permit for enterprise <ul style="list-style-type: none"> 3.1.4.51 Temporary residence permit issued to large investor for enterprise 3.1.4.6. Temporary residence permit in case of sufficient legal income <ul style="list-style-type: none"> 3.1.4.61 Sub-subdivision 61 Temporary residence permit in case of substantial national interest <ul style="list-style-type: none"> 3.1.4.7. Temporary residence permit on basis of treaty 3.1.4.8. Temporary residence permit in case of substantial public interest 3.1.4.9. Temporary residence permit for settling permanently in Estonia 3.1.5. Proceeding of temporary residence permits <ul style="list-style-type: none"> 3.1.5.1. Competence 3.1.5.2. Application 3.1.5.3. Procedure
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			<ul style="list-style-type: none">3.1.6. Organisation of temporary residence permit3.2. Residence permit for long-term resident<ul style="list-style-type: none">3.2.1. Issue and refusal to issue residence permit for long-term resident3.2.2. Resumption of residence permit for long-term resident3.2.3. Validity of residence permit for long-term resident3.2.4. Procedure for granting residence permit for long-term resident<ul style="list-style-type: none">3.2.4.1. Competence3.2.4.2. Proceeding3.2.5. Organisation of affairs related to residence permit for long-term resident3.3. Employment in Estonia on basis of residence permit4. PROCESSING OF PERSONAL DATA5. OBLIGATIONS6. STATE SUPERVISION7. LIABILITY8. IMPLEMENTATION PROVISIONS <p>Citizen of the European Union Act, English version available at: www.riigiteataja.ee/en/eli/517122020002/consolide.</p> <p>Structure:</p> <ul style="list-style-type: none">1. GENERAL PROVISIONS2. RIGHT OF STAY IN ESTONIA<ul style="list-style-type: none">2.1. Right of stay in Estonia of the citizen of the European Union2.2. Right of stay of family members3. TEMPORARY RIGHT OF RESIDENCE<ul style="list-style-type: none">3.1. Temporary right of residence of a citizen of the European Union3.2. Family members' temporary right of residence3.3. Special rules regarding expiration of the family member's temporary right of residence4. PERMANENT RIGHT OF RESIDENCE<ul style="list-style-type: none">4.1. Permanent right of residence of citizens of the European Union4.2. Family member's permanent right of residence5. PROCEDURE FOR GRANTING RIGHTS OF RESIDENCE
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			<p>51 LIMITATIONS ON THE RIGHT OF FREE MOVEMENT OF CITIZENS OF THE EUROPEAN UNION AND THEIR FAMILY MEMBERS</p> <p>52 EQUAL TREATMENT</p> <p>6. NOTIFICATION OBLIGATION AND EXERCISE OF SCRUTINY</p> <p>61 STATE SUPERVISION</p> <p>7. LIABILITY</p> <p>8. IMPLEMENTING PROVISIONS</p> <p>Act of Granting International Protection to Aliens, English version available at: www.riigiteataja.ee/en/eli/530062020004/consolide.</p> <p>Structure:</p> <p>1. General provisions</p> <p>2. REFUGEE STATUS AND SUBSIDIARY PROTECTION STATUS</p> <p>2.1. Proceedings for international protection</p> <p>2.2. Admission of Applicant</p> <p>2.2.1 Specifications for accommodation and detention of applicants for international protection in an emergency</p> <p>2.3. Residence Permit</p> <p>2.4. End and revocation of refugee status and subsidiary protection status</p> <p>2.5. Certificate of applicant for international protection</p> <p>3. TEMPORARY PROTECTION</p> <p>3.1. Application of temporary protection and duration of temporary protection</p> <p>3.2. Proceedings for Granting Temporary Protection and Residence Permit</p> <p>3.3. Admission of Applicant for Residence Permit on Basis of Temporary Protection</p> <p>3.4. Reunification of families, transfer to another country, laissez-passer and readmission</p> <p>3.5. Temporary protection and proceedings for international protection</p> <p>3.6. End of Temporary Protection and Return</p> <p>4. ADMISSION AND SOCIAL RIGHTS AND OBLIGATIONS OF BENEFICIARY OF INTERNATIONAL PROTECTION</p> <p>41 STATE SURVEILLANCE</p> <p>5. FINAL PROVISIONS</p> <p>6. IMPLEMENTING PROVISIONS</p>
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			<p>Citizenship Act, English version available at: www.riigiteataja.ee/en/eli/509122020001/consolide Structure:</p> <ol style="list-style-type: none">1. General provisions2. Conditions for acquisition of Estonian citizenship3. Conditions for acquisition of Estonian citizenship as a minor4. Conditions for resumption of Estonian citizenship5. Procedure for the acquisition of Estonian citizenship and for the restoration of Estonian citizenship6. Conditions and procedure for loss of Estonian citizenship7. Final provisions <p>Obligation to Leave and Prohibition on Entry Act, English version available at: www.riigiteataja.ee/en/eli/502072020001/consolide Structure:</p> <ol style="list-style-type: none">1. GENERAL PROVISIONS2. PRECEPT3. EXPULSION FROM AND PASSAGE VIA ESTONIA4. DETENTION IN DETENTION CENTRE41 DETENTION CENTRE42 IMPOSITION OF DISCIPLINARY SANCTIONS ON PERSON TO BE EXPELLED5. PROHIBITION ON ENTRY6. IMPLEMENTING PROVISIONS <p>State Borders Act, English version available at: www.riigiteataja.ee/en/eli/512082020006/consolide. Structure:</p> <ol style="list-style-type: none">1. GENERAL PROVISIONS11. ORGANISATION OF ENTRY OF VEHICLES IN ROAD BORDER CROSSING POINT2. BORDER REGIME21. LIABILITY3. FINAL PROVISIONS
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			<p>4. a) välismaalane (an alien / a foreigner) b) In Estonian legislation, the term "undocumented migrant" is not used.</p> <p>5. In Estonia the police and border guard operate within one organisation (Police and Border Guard Board), therefore all of the roles are carried out by the Police and Border Guard Board (except for C, where the Administrative court is the general appeal instance, and the Police and Border Guard Board accepts administrative appeals regarding living permit proceedings).</p> <p>a) the Police and Border Guard Board – Politsei- ja Piirivalveamet b) the Police and Border Guard Board: North Prefecture/ Intelligence Bureau/ Citizenship and International Protection Service – Politsei- ja Piirivalveamet: Põhja prefektuur/ teabebüroo/ kodakondsuse ja rahvusvahelise kaitse talitus c) Administrative court – Halduskohus (please note that the Administrative court is not specialised to migration cases only). Administrative appeals regarding living permit proceedings can also be made to Police and Border Guard Board (Politsei - ja Piirivalveamet). d) the Police and Border Guard Board: detention centre– Politsei- ja Piirivalveamet: kinnipidamiskeskus</p> <p>6. In 2017, an expert committee was established to ascertain whether a business is a start-up, and to provide the administrative authority an opinion when it is making a decision on whether a person:</p> <ul style="list-style-type: none">• may be issued a visa for engagement in start-up business (Article 624 of the Aliens Act);• may be issued a temporary residence permit for employment in a start-up company (Article 181 section 1 subsection 12 of the Aliens Act);• may be registered for short-term employment in a start-up company (Article 106 section 11 subsection 1 of the Aliens Act). <p>The administrative authority may also ask for the expert committee's opinion when making a decision on the application for extension of the visa or the temporary residence permit (Article 7 of the the Regulation of the Minister of Interior "The requirements and procedure for assessment of the compliance with the specification of a start-up company upon application for a visa, the list of data and evidence to be submitted for that purpose and the requirements for the submission thereof" (<i>"Iduettevõtte määratlusele vastavuse hindamise tingimused ja kord, esitatavate andmete ja tõendite loetelu ning nende esitamise nõuded"</i>). The committee consists of members</p>
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			appointed by start-up representation organisations.
	EMN NCP Finland	Yes	<p>1. The main national law on asylum and migration in Finland is Aliens Act (Finnish: <i>Ulkomaalaislaki</i>, Swedish: <i>Utlänningslag</i>). The law is legally binding only in Finnish and Swedish. Therefore, the English translation “Aliens Act” is not official, however, it is commonly used. In Finland the situation is similar to that in Belgium: The Aliens Act has been revised multiple times since its adoption in 2004, and like in Belgium, the multiple amendments have rendered the law overly complicated. Therefore, a total revision of the migration legislation will likely happen in the future, but it is not in the making as of now.</p> <p>Other major laws relating to migration matters are the Nationality Act from 2003 and the Act on the Promotion of Immigrant Integration from 2010.</p> <p>In addition there are other, more minor laws concerning specific matters related to asylum and migration, such as Act on the Reception of Persons Applying for International Protection and Assistance to Victims of Trafficking in Human Beings (from 2011), Act on the Treatment of Aliens Placed in Detention and Detention Units (2002), Act on the Register of Aliens (1997), Act on the Finnish Immigration Service (1995), Act on the Conditions of Entry and Stay of Third-country Nationals on the Grounds of Research, Studies, Training and Voluntary Service (2018), Act on the Conditions of Entry and Stay of Third-country Nationals for the Purpose of Employment as Seasonal Workers (2017), Act on the Conditions Entry and Residence of Third-country Nationals in the Framework of an Intra-corporate Transfer (2017).</p> <p>2. The laws have not been merged into a single Code.</p> <p>3. The Aliens Act is structured as follows: Chapter 1: General provisions Chapter 2: Entry to Finland Chapter 3: Visas Chapter 4: Residence General provisions Residence, movement and transit Requirements for issuing fixed-term residence permits</p>

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			<p>Requirements for issuing extended permits or permanent residence permits Cancellation and expiry of residence permits Permit procedure and competent authorities Chapter 5: Employment (Provisions on residence permits for employed and self-employed persons) Provisions on residence permits for employed and self-employed persons Right to work EU Blue card Procedure and competent authorities Chapter 6: International protection (Requirements for providing international protection) Requirements for providing international protection Asylum procedures Refugee status Temporary protection Issuing residence permits and competent authorities Chapter 7: Interim measures Chapter 8: Travel documents issued to aliens in Finland Chapter 9: Removing aliens from the country Definitions Common provisions of removing aliens from the country Grounds for removing aliens from the country and prohibition of entry Competent authorities Chapter 10: Residence of citizens of the European Union or comparable persons Chapter 11: Obligations and financial penalties on carriers Chapter 12: Penal provisions Chapter 13: Due process Chapter 14: Miscellaneous provisions Chapter 15: Entry into force and transitional provisions</p> <p>4. a) <i>Ulkomaalainen</i> (in Finnish) / <i>utlänning</i> (in Swedish). Translation into English “alien”. Definition: a person who is not a Finnish citizen. NB. the English term “alien” is unofficial as there is no official English translation of the Aliens Act. It is also worth</p>
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			<p>pointing out that the English term “alien” has been contested for its negative connotations. The Finnish and Swedish terms do not have such negative connotations. Outside the context of migration legislation, one would likely translate the term <i>ulkomaalainen/utlänning</i> as “foreigner”.</p> <p>b) This term does not exist in the Finnish national legislation.</p> <p>5. a) <i>Maahanmuuttovirasto</i> (in Finnish) / Migrationsverket (in Swedish). In English “Finnish Immigration Service”</p> <p>b) Same as above</p> <p>c) In Finland there are no appeal instances which would be specific to migration procedures. Appeals in migration matters are resolved in regular administrative courts.</p> <p>d) <i>Säilöönottoyksikkö</i> (in Finnish) / <i>förvarsenhet</i> (in Swedish). English translation: “detention unit”.</p> <p>6. Section 71 of the Aliens Act provides for cooperation with labour market organisations. According to it, labour market organisations must be included when making policies regarding migration based on employment. Section 71 of the Aliens Act states the following: “The social partners participate in monitoring and assessing practices related to issuing residence permits for employed persons, and in preparing national and regional policies related to the general requirements for using foreign labour. National guidelines referred to in this section are issued by a government decision, and regional policies by a decision of the relevant Centre for Economic Development, Transport and Environment.”</p> <p>In addition, Section 211 provides for the Advisory Board for Matters related to Aliens’ Employment and Residence Permits. According to it, an Advisory Board may be appointed to supervise the terms of employment of foreign workers. This Advisory Board is of a practical nature and it does not have authority to make policies. Section 211 of the Aliens Act states the following: “(1) An Advisory Board for Matters related to Aliens’ Employment and Residence Permits may be appointed in connection with the Ministry of the Interior to supervise the terms of employment of foreign workers. The task of the Board is to promote cooperation and communication between the authorities in matters pertaining to the supervision of the terms of employment and residence permits of foreign workers, to monitor trends in the supervision of the terms of employment and residence permits of foreign workers and to give statements on these matters. (2) The members of the Board are appointed by the Ministry of the Interior. The authorities and administrative branches involved in the supervision shall be represented in the Board. The Advisory Board cooperates with the main labour market organisations. Further provisions on the Board’s composition, duties, work procedures and term of office are given by government decree.”</p>
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	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. In France, the regulations governing the entry, stay and exit of foreign nationals on French territory, as well as the right of asylum, have been codified in the Code on Entry and Residence of Foreign nationals and the Right of Asylum (CESEDA, Code de l'entrée et du séjour des étrangers et du droit d'asile). This Code brings together the legislative and regulatory provisions relating to the right of foreign nationals. It was instituted by the ordinance of November 24, 2004 and came into force on March 1, 2005; the regulatory part was published on November 15, 2006.</p> <p>In France, the law on foreign nationals has been in constant evolution since the end of the 1940s, and the main national laws on immigration and asylum have been reformed several times and codified in the CESEDA. Since the entry into force of the CESEDA, several main laws have been adopted and incorporated into the CESEDA. Here follows the most recent ones which are still in force:</p> <ul style="list-style-type: none"> • Loi n°2007-1631 du 20 novembre 2007 relative à la maîtrise de l'immigration, à l'intégration et à l'asile (Law n°2007-1631 of 20 November 2007 on migration management, integration and asylum). This law mainly concerns family migration and family reunification. In addition, it sets the time limit for appeal after the rejection of an asylum application at one month, and transfers the supervision of the OFPRA (French Office for the Protection of Refugees and Stateless Persons) from the Ministry of Foreign Affairs to the Ministry in charge of Immigration, and also reforms the Refugee Appeals Commission, which becomes the National Court of Asylum (CNDA) • Loi n° 2011-672 du 16 juin 2011 relative à l'immigration, à l'intégration et à la nationalité (Law n° 2011-672 of 16 June 2011 on immigration, integration and nationality). The law reforms the procedures and litigation of removal, and in this respect introduces a ban on return to French territory, a 30-day period of voluntary departure after a return decision and extends the maximum duration of administrative detention from 32 days to 45 days. • Loi n° 2015-925 du 29 juillet 2015 relative à la réforme du droit d'asile (Law n° 2015-925 of July 29, 2015 on the reform of the right of asylum). The law institutes new procedures for the rapid examination of asylum applications, with the introduction of a new accelerated procedure implemented by the OFPRA. The text revises the asylum litigation procedures and introduces a new suspensive appeal procedure: an accelerated procedure before a single judge of the CNDA within five weeks. In addition, the time limit for judgment in the normal procedure granted to the CNDA is set at five months. It also transposed into national law the new "reception" and "procedures" European directives adopted in June 2013.
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			<ul style="list-style-type: none"> • Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France. (Law n° 2016-274 of March 7, 2016 on the rights of foreign nationals in France). This text provides for a new integration pathway marked by a redefinition of service provided by the French Office for Immigration and Integration (OFII). The law simplifies the employment of qualified foreign students and creates multi-year residence permits dedicated to international talents. In terms of irregular migration and removal, the law makes house arrest the common law measure for depriving foreign nationals of their freedom. • Loi n° 2018-778 du 10 septembre 2018 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie (Law No. 2018-778 of September 10, 2018 for controlled migration, an effective right of asylum and successful integration). The law provides for a reduction in the processing time for an asylum application and introduces several measures that strengthen the effectiveness of return decisions. The maximum duration of administrative detention has been increased from 45 to 90 days and the time limit for the intervention of the liberty and detention judge has been reduced to 48 hours during an administrative detention. <p>2. All laws published before the creation of CESEDA were codified in CESEDA in 2004. New reforms after the Code came into force were incorporated into CESEDA as soon as they came into force [see Q.1].</p> <p>3. A new codification of the CESEDA entered in force on May 1, 2021 to improve the readability of the Code which lacked clarity due to successive reforms. This new codification allows to respect the chronology of procedures.</p> <p>Book I: General provisions</p> <p style="padding-left: 40px;">Title I: Scope of application Title II: Administrations in charge of the entry and residence of foreign nationals and the right of asylum Title III: National Court of Asylum Title IV: Administrative procedures and data processing Title V: Provisions relating to overseas departments</p> <p>Book II: Provisions applicable to EU citizens and their family members</p>
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			<p>Title I: General provisions Title II: Entry into France Title III: Residence in France Title IV: Right of asylum and other international protection Title V: Return decisions Title VI: Enforcement of return decisions Title VII: Controls and sanctions Title VIII: Provisions relating to overseas departments</p> <p>Book III: Entry into France</p> <p>Title I: Conditions for admission to French territory Title II: Administrative ban on entry Title III: Border controls and refusal of entry into French territory Title IV: Waiting area Title V: Asylum at the border Title VI: Provisions relating to overseas departments</p> <p>Book IV: Residence in France</p> <p>Title I: General provisions Title II: Categories of residence permits Title III: Administrative procedure Title IV: Provisions relating to overseas departments</p> <p>Book V: Right of asylum and other international protections</p> <p>Title I: Conditions for granting asylum Title II: Access to the asylum procedure Title III: Examination of asylum applications</p>
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			<p>Title IV: Right to remain on French territory Title V: Conditions of reception of asylum seekers Title VI: Content and end of protection Title VII: Provisions applicable when the examination of the asylum application falls within the jurisdiction of another State Title VIII: Other international protections Title IX: Provisions relating to overseas departments</p> <p>Book VI: Return decisions</p> <p>Title I: Return decision (OQTF) Title II: Return to the authorities of another Member State of the European Union or of a State with which the Schengen acquis applies Title III: Expulsion Title IV: Penalty of ban decision from the French territory Title V: Provisions relating to overseas t[departments]</p> <p>Book VII: Enforcement of return decisions</p> <p>Title I: Enforcement by the foreign national Title II: Enforcement by the administrative authority Title III: House arrest Title IV: Administrative detention Title V: Measures applicable in the event of an asylum application Title VI: Provisions relating to overseas departments</p> <p>Book VIII: Controls and sanctions</p> <p>Title I: Controls Title II: Sanctions</p>
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			<p style="text-align: center;">Title III: Provisions applicable to the overseas departments</p> <p>Link to the current version of the CESEDA: https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006070158/ (in French only)</p> <p>4.</p> <p>The term "foreign national" is used in French law to talk about a "third country national". It is defined in article L110-3 of the CESEDA: "according to the present code, persons who do not have French nationality, either because they have a foreign nationality or because they have no nationality, are considered as "foreign nationals".</p> <p>For "undocumented migrants", French law refers to "foreign national in an irregular situation". This means any foreigner who does not have the documents set out in Article L311-1 of the CESEDA concerning the conditions for admission to French territory, or the valid residence documents mentioned in Article L411-1 of the CESEDA. The cases in which foreign nationals are considered to be in an irregular situation and may be subject to a return decision are set out in article L611-1 of the CESEDA.</p> <p>5. National immigration office(s) responsible for the entry, stay and/or return of non-nationals:</p> <ul style="list-style-type: none">- Consulates for the delivery of the visa- French Office for Immigration and Integration (OFII) for the validation of the long-stay visa once arrived in France- Prefectures. For the issuance/renewal of the residence permit and for the refusal of residence permit and the decision to return <p>Offices responsible for the examination of applications for international protection:</p> <ul style="list-style-type: none">- French Office for the Protection of Refugees and Stateless Persons (OFPRA) (decision in 1st instance)- National Court of Asylum (CNDA) (appeal) <p>The (administrative and/or judicial) appeal instance(s) in migration procedures and d) detention facilities;</p> <ul style="list-style-type: none">- Judge on liberties and detention (judicial judge, JLD) for detention- Administrative Court (TA) for appeals against refusal of residence permits and detention- Prefecture for refusal of residence permit and issuance of a return decision and placement in detention
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			<p>- OFII for the management of Preparation centers to return schemes (DPAR, alternative to detention)</p> <p>6. Prefectural authorities can refer to the residence permit commission for the withdrawal of a residence permit under certain conditions (Article L432-13 to L423-15 of the CESEDA).</p>
	EMN NCP Germany	Yes	<p>1. Asylgesetz (Asylum Act) Aufenthaltsgesetz (Residence Act)</p> <p>2. The Asylgesetz was preceded by the Asylverfahrensgesetz (Asylum Procedures Act). It became the "Asylgesetz" in October, 2015. The Aufenthaltsgesetz replaced the Ausländergesetz (Foreigners Act) in 2005. Both of the aforementioned laws have been amended multiple times ever since.</p> <p>3. The respective structures (as well as the text) can be retrieved here: https://www.gesetze-im-internet.de/englisch_asylvfg/index.html (Asylgesetz) and https://www.gesetze-im-internet.de/englisch_aufenthg/index.html (Aufenthaltsgesetz)</p> <p>4. a)in general: Ausländer („foreigner“) Union citizens: EU-Staatsangehörige („EU citizens“) Third-country nationals: Drittstaatsangehörige (“third-country citizens”) The term “Ausländer” is defined in sec. 2 para. 1 of the Aufenthaltsgesetz as: “A foreigner is anyone who is not German as defined in Article 116 (1) of the Basic Law (Grundgesetz). b)Migrant ohne Identitätsdokumente/Ausweispapiere, ausweisloser Migrant (“migrant without identification documents/papers”) There is no legal definition of this term.</p> <p>5. a)Ausländerbehörde (“Foreigners Office”) b)Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees) c)Verwaltungsgerichte (Administrative Courts)</p>

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			<p>d)Haftanstalt (detention facility)</p> <p>6. -Commissioner for Migration, Refugees and Integration (sec. 92-94 of the Residence Act/Aufenthaltsgesetz): the duties of the Commissioner are listed in sec. 93 of the Residence Act. Sec. 94 regulates the scope of authority; mostly policy advice.</p> <p>-Hardship Commission (sec. 23a of the Residence Act/Aufenthaltsgesetz): the competences of the Hardship Commissions (which can be established by the federal Länder) are laid down in sec. 23a of the Residence Act; such Commission can grant residence in case of hardship</p> <p>-Expert Forum on Asylum and Migration: a description of the Forum and its tasks can be retrieved here: https://www.bamf.de/EN/Behoerde/Informationszentrum/Expertenforum/expert...</p>
	EMN NCP Hungary	Yes	<p>1.</p> <ul style="list-style-type: none"> • A harmadik országbeli állampolgárok beutazásáról és tartózkodásáról szóló 2007. évi II. törvény - the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals • 114/2007. (V. 24.) Korm. rendelet a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról szóló 2007. évi II. törvény végrehajtásáról - Government Decree No 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals • A menedéjogról szóló 2007. évi LXXX. törvény -Act LXXX of 2007 on Asylum • 301/2007. (XI. 9.) Korm. rendelet a menedéjogról szóló 2007. évi LXXX. törvény végrehajtásáról- Government Decree No 301/2007. (XI.9.) on the implementation of the Act LXXX of 2007 on Asylum <p>2. -</p> <p>3. Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals</p> <p>I. Chapter - General provisions</p> <p>II. Chapter - Rules for planned stays not exceeding ninety days within one hundred and eighty days</p> <p>III. Chapter - Rules for stays exceeding ninety days within one hundred and eighty days</p> <p>IV. Chapter - The establishment</p> <p>V. Chapter - Enforcement rules regarding third-country nationals</p>

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			<p>VI. Chapter - Liability rules VII. Chapter - Notification obligations VIII. Chapter - Establishing stateless status and providing travel documents to third-country nationals IX. Chapter - Procedural rules X. Chapter - Rules on the processing of data of third - country nationals XI. Chapter - Final provisions</p> <p>Government Decree No 114/2007 (V. 24.) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals I. Chapter - General provisions II. Chapter - Rules for planned stays not exceeding ninety days within one hundred and eighty days III. Chapter - Rules for stays exceeding ninety days within one hundred and eighty days IV. Chapter - Detailed rules of establishment V. Chapter - Enforcement rules regarding third country nationals VI. Chapter - Liability rules VII. Chapter - Detailed rules on the notification obligations of third-country nationals VIII. Chapter - Establishing stateless status and providing travel documents to third-country nationals VIII/A. Chapter - Procedural rules IX. Chapter - Rules on the processing of data of third - country nationals X. Chapter - Final provisions</p> <p>Act LXXX of 2007 on Asylum I. Chapter - General provisions II. Chapter - Legal status of the person applying for recognition III. Chapter - The refugee IV. Chapter- Person admitted for subsidiary protection V. Chapter - Persons enjoying temporary protection V/A. Chapter - Admitted persons VI. Chapter - Admission conditions, asylum detention, care and support for refugees, persons admitted for subsidiary protection, persons enjoying temporary protection VI/A. Chapter- General rules applicable to procedures covered by this Act</p>
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			<p>VII. Chapter – General rules on asylum procedure VIII. Chapter – Procedure for recognition as a refugee or protected person IX. Chapter- Procedure for recognition as person enjoying temporary protection IX/A. Chapter– Crisis due to mass immigration X. Chapter – Data management and record rules XI. Chapter - Final provisions</p> <p>Government Decree No 301/2007. (XI.9.) on the implementation of the Act LXXX of 2007 on Asylum</p> <p>I. Chapter - General provisions II. Chapter – Rules applying to refugees, persons seeking recognition, protected persons, admitted persons and persons enjoying temporary protection III. Chapter – Rules applying to the material reception conditions, and the common rules for the support and supplying for persons seeking recognition, refugees, protected persons, admitted persons and persons enjoying temporary protection IV. Chapter – Scheme of support and care provided during admission V. Chapter – Supplying and supporting refugees, persons admitted for subsidiary protection, admitted persons and persons enjoying temporary protection VI. Chapter – General rules of the asylum procedure VII. Chapter – Procedure for recognition as refugee or protected person VII/A. Chapter – Rules to be applied in case of crisis caused by mass immigration VIII. Chapter - Procedure for recognition as person enjoying temporary protection IX. Chapter – Final provisions</p> <p>4. a) For non-nationals in general, including Union citizens and third-country nationals, the national legislation uses „<i>külföldi</i>”, which means foreign national. The definition is provided in Act LXXX of 2007 on Asylum in Article 2. point a). Foreign nationals are the non-nationals of Hungary and the stateless persons.</p> <p>b) There is no term used for undocumented migrants in legislative texts.</p> <p>5. a) The National Directorate-General for Aliens Policing „<i>Országos Idegenrendészeti Főigazgatóság</i>” is responsible for the decisions regarding third-country nationals and non-nationals entry, stay and return. According to Article 40 of</p>
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			<p>the Third-Country Nationals Act, the Hungarian Police „<i>Országos Rendőrfőkapitányság</i>” is responsible to take decisions on the entries, in accordance with the Schengen Borders Code. Return decisions, according to Article 65 of the Third-Country Nationals Act are made by court, asylum authority, or aliens policing authority.</p> <p>b) The asylum authority („<i>menekültügyi hatóság</i>”), which in Hungary is „<i>Országos Idegenrendészeti Főigazgatóság menekültüggyel foglalkozó szerve</i>” the body responsible for asylum of the National Directorate-General for Aliens Policing who is responsible for the examination of applications for international protection.</p> <p>c) According to Article 88/P. of the Third-Country Nationals Act, legal remedy is available for all the decisions taken by the aliens policing authority, excluding the ones law lists. In migration procedures it is possible to appeal („<i>fellebbezés</i>”) a decision made by the authority, who issued the decision in question, according to Article 88/Q of the Third-Country Nationals Act.</p> <p>In case of decisions on detention, the person concerned can apply an objection („<i>kifogás</i>”), as stated in Article 57 of the Third-Country Nationals Act.</p> <p>According to Article 68. (1) of Asylum Act, the decision on refusing an application can be appealed in administrative litigation process („<i>közigazgatási per</i>”). In this case the decision of the asylum authority can not be amended by the court.</p> <p>d) Detention facilities are referred as „<i>őrizeti létesítmény</i>” in legislative texts. Also facility for implementing detention („<i>őrizet végrehajtására szolgáló létesítmény</i>”) and guarded accommodation („<i>őrzött szállás</i>”) in Article 129 of Government Decree No 114/2007 (V. 24.).</p> <p>6. The National Directorate-General for Aliens Policing „<i>Országos Idegenrendészeti Főigazgatóság</i>” is responsible for taking the decisions, however in some cases there are questions that require specific expertise. In Hungary, the aliens policing authority reaches out in cases regulated by law, to an administration („<i>szakhatóság</i>”) also listed by Hungarian law, as indicated in Article 87/A of the Third-Country Nationals Act. This authority shall be provided with all the relevant information, fact and circumstance concerning the person, that can affect the decision. The administration issues a recommendation or resolution for the aliens policing authority. This resolution, containing expert views is binding, and shall be taken into account in the decision. The administration has right to interview the applicant. The person concerned can appeal the resolution together with the decision in court.</p> <p>In asylum procedures, the asylum authority reaches out to an administration („<i>szakhatóság</i>”) according to Article 64/A. of Government Decree No 301/2007. (XI.9.). Here also applies the right to access the relevant data, and the possibility to interview the applicant. The Constitution Protection Office and the Counter Terrorism Centre, as an administration, takes part in the determination if the residence of the applicant means a threat for the national</p>
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			security of Hungary.
	EMN NCP Italy	Yes	<p>1.</p> <ul style="list-style-type: none"> - Legislative Decree of 25 July 1998, n. 286 “Consolidated Act on Immigration and provisions about foreigner’s conditions” (in national language: Decreto Legislativo del 25 luglio 1998, n. 286 “Testo Unico delle disposizioni concernenti la disciplina dell’immigrazione e norme sulla condizione dello straniero”). It contains all reforms and legal provisions regarding migration issues including the Decree-Law 130/2020 transposed into Law 173/2020. - Legislative Decree of 19 November 2007, n. 251 “Implementation of Directive 2004/83/CE laying down minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted” In national language Decreto legislativo del 19 novembre 2007, n. 251 “Attuazione della direttiva 2004/83/CE recante norme minime sull’attribuzione, a cittadini di Paesi terzi o apolidi, della qualifica del rifugiato o di persona altrimenti bisognosa di protezione internazionale, nonché norme minime sul contenuto della protezione riconosciuta” - Legislative Decree of 18 August 2015, n. 142 “Implementation of Directive 2013/33/UE, laying down minimum standards for the reception of asylum seekers, and of Directive 2013/32/UE on common procedures for granting and withdrawing international protection”. The Legislative Decree has been amended several times. In national language: Decreto legislativo del 18 agosto 2015 n. 142 “Attuazione della direttiva 2013/33/UE recante norme relative all’accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale” - Law of 7 April 2017 n. 47 “Provisions on measures for the protection of unaccompanied foreign minors” In national language: Legge del 7 aprile 2017, n. 47 “Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati” - Legislative Decree of 6 February 2007 n. 30 “Implementation of Directive 2004/36/CE on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States” that has been amended several times. In national language: Decreto legislativo 6 febbraio 2007, n. 30 “Attuazione della direttiva 2004/38/CE relativa al diritto dei cittadini dell’Unione e dei loro familiari di circolare e di soggiornare liberamente nel territorio degli Stati membri”


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			<p>2. There has been no official codification. There are private collections which, through various solutions, try to propose an overall picture of the provisions on immigration and asylum.</p> <p>3. As clarified in Q. 1, in the field of immigration the main Italian law is represented by the Consolidated Act on Immigration (Legislative Decree n. 286/1998), which is divided as follows: Title I: General Principle / Principi generali (Artt. 1-3) Title II: Provisions on entry, residence and expulsion from the national territory / Disposizioni sull'ingresso, il soggiorno e l'allontanamento dal territorio dello Stato (Artt. 4-20 bis) Title III: Rules of work / Disciplina del lavoro (Artt. 21-27-sexies) Title IV: Right to family unit and protection of minors / Diritto all'unità familiare e tutela dei minori (Artt. 28-33) Title V: Provisions on health, education, housing, participation in public life and social integration / Disposizioni in materia sanitaria, nonché di istruzione, alloggio, partecipazione alla vita pubblica e integrazione sociale (Artt. 34-46) Title VI: Final Provisions / Norme finali (Artt. 47-49) Link: https://www.altalex.com/documents/codici-altalex/2014/04/09/testo-unico-sull-immigrazione</p> <p>4.</p> <p>a) 1. Term: Cittadino di Paesi Terzi – straniero (Third country national – Foreigner) Definition: any person having the nationality of a State outside the European Union and the stateless person. 2. Term: Cittadino dell'Unione europea (Citizen of the European Union) Definition: any person having the nationality of a Member State. (Source: art. 2 D.lgs. 142/2015 e art. 2 D.lgs. 30/2007)</p> <p>b) Term: Migranti privi di documenti (Undocumented migrants) Definition: Migrants who are in an irregular position toward rules governing entry and residence in the Italian territory (among them, there are both migrants illegally entered in Italy and migrants whose residence permits are not longer valid). (Source: Testo Unico, artt. 4 e 13)</p> <p>5. a) Police headquarters (Questura) and Police offices across the territory (Polizia). b) National Commission (Commissione Nazionale) and Territorial Commissions (Commissioni Territoriali) c) the Court (immigration specialized section) on appeal and the Court of Cassation in the last instance / Autorità</p>
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			<p>giurisdizionale: Tribunale ordinario (Sezione specializzata Immigrazione) in secondo grado e Corte di Cassazione in ultima istanza</p> <p>d) Centres for return – detention centres / Centri di permanenza per i rimpatri (CPR)</p> <p>6. NO</p>
	EMN NCP Latvia	Yes	<p>1. Imigrācijas likums - Immigration Law Patvēruma likums - Asylum Law</p> <p>2. N/a</p> <p>3. Immigration Law (https://likumi.lv/ta/en/en/id/68522-immigration-law) Chapter I General Provisions Chapter II Visas Chapter III Refusal for a Foreigner to Enter the Republic of Latvia Chapter IV Residence Permits Chapter V Removal Chapter VII Detention Chapter VIII List of those Foreigners for whom Entry into the Republic of Latvia is Prohibited Chapter VIII1 Examination of the Application on the Decision of the Minister for the Interior to Include a Person in the List in Court Chapter IX Expenses Related to Removal and Sending Chapter IX1 Administrative Offences in the Field of Immigration and Competence within the Administrative Offence Proceedings Chapter X Final Provisions Transitional Provisions</p> <p>Asylum Law (https://likumi.lv/ta/en/en/id/278986-asylum-law) Chapter I General Provisions</p>


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			<p>Chapter II Residence of an Asylum Seeker in the Republic of Latvia Chapter III Rights and Obligations of an Asylum Seeker Chapter IV Restrictive Measures in the Asylum Procedure Chapter V Ensuring of Examination of Application Chapter VI Procedures for Examining the Application and Taking a Decision Chapter VII Conditions for Granting International Protection Chapter VIII Procedures for Appealing a Decision Taken within the Scope of the Asylum Procedure Chapter IX Rights and Obligations of a Person Having Acquired Refugee or Alternative Status Chapter X Loss and Revocation of Refugee and Alternative Status Chapter XI Temporary Protection in the Republic of Latvia Chapter XII Other Provisions Transitional Provisions</p> <p>4. a) Latvian: ārzemnieks. English: foreigner. b) Latvian: ārzemnieks, kurš nelikumīgi uzturas Latvijas Republikā. English: a foreigner staying illegally in the Republic of Latvia.</p> <p>5. a) The institution responsible for the entry: Latvian: Valsts robežsardze. English: the State Border Guard. The institution responsible for stay: Latvian: Pilsonības un migrācijas lietu pārvalde. English: the Office of Citizenship and Migration Affairs. The institution responsible for return: Latvian: Pilsonības un migrācijas lietu pārvalde, Valsts robežsardze. English: the Office of Citizenship and Migration Affairs, the State Border Guard. b) Latvian: Pilsonības un migrācijas lietu pārvalde. English: the Office of Citizenship and Migration Affairs. c) Latvian: Administratīvā rajona tiesa. English: the Administrative District Court. d) Latvian: Valsts robežsardzes pagaidu turēšanas telpa vai izmitināšanas centrs. English: the State Border Guard temporary holding room or accommodation centre.</p> <p>6. The Ombudsman. The removal process is observed by the Ombudsman.</p>
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	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Main national law on migration and asylum: Lietuvos Respublikos įstatymas dėl užsieniečių teisinės padėties (The Republic of Lithuania Law on the Legal Status of Aliens). Other laws that could be mentioned pertaining to migration issues: Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties“ įgyvendinimo įstatymas (Law on the implementation of The Republic of Lithuania Law on the Legal Status of Aliens); Lietuvos Respublikos konsulinio mokesčio įstatymo (the Republic of Lithuania Law on Consular Fee); Lietuvos Respublikos investicijų įstatymas (The Republic of Lithuania Law on Investments); Lietuvos Respublikos asmens tapatybės kortelės ir paso įstatymas (The Republic of Lithuania Law on identity card and passport); Lietuvos Respublikos asmenų perkėlimo į Lietuvą įstatymas (The Republic of Lithuania Law on Relocation of Persons to the Republic of Lithuania).</p> <p>2. No, codification in this sense is not very common in Lithuanian law, there is only 11 codified laws. However, the above-mentioned Law on the Legal Status of Aliens integrates the provisions of the 1951 Refugee Convention and relevant EU legislation on asylum and migration and gets amended several times a year to incorporate new or remove ineffective provisions, such that in practice it functions as a vehicle for merging and harmonizing migration laws.</p> <p>3. The structure of the Law on the Legal Status of Aliens: CHAPTER I: GENERAL PROVISIONS CHAPTER II: ENTRY OF ALIENS INTO THE REPUBLIC OF LITHUANIA CHAPTER III: STAY AND RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA SECTION I: VISAS SECTION II: RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA SECTION III: TEMPORARY RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA SECTION IV: PERMANENT RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA SECTION V: ALIENS' EMPLOYMENT IN THE REPUBLIC OF LITHUANIA CHAPTER IV: ASYLUM AND TEMPORARY PROTECTION IN THE REPUBLIC OF LITHUANIA SECTION I: LODGING OF AN APPLICATION FOR ASYLUM SECTION II: DETERMINATION OF AN EU MEMBER STATE RESPONSIBLE FOR EXAMINING AN APPLICATION FOR ASYLUM SECTION III: PROCEDURE FOR GRANTING ASYLUM IN THE REPUBLIC OF LITHUANIA SECTION IV: GRANTING OF TEMPORARY PROTECTION IN THE REPUBLIC OF LITHUANIA</p>
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			<p>CHAPTER V: LEGAL STATUS OF CITIZENS OF THE EU MEMBER STATES IN THE REPUBLIC OF LITHUANIA CHAPTER VI: INTEGRATION OF ALIENS CHAPTER VII: FREEDOM OF MOVEMENT OF ALIENS IN THE REPUBLIC OF LITHUANIA CHAPTER VIII: IDENTIFICATION OF A PERSON CHAPTER IX: ALIENS' DEPARTURE FROM THE REPUBLIC OF LITHUANIA CHAPTER X: APPEAL AGAINST DECISIONS ON THE LEGAL STATUS OF ALIENS AND FILING OF REQUESTS TO TAKE A DECISION WITH VILNIUS REGIONAL ADMINISTRATIVE COURT CHAPTER X(1): E-RESIDENT CHAPTER XI: FINAL PROVISIONS ANNEX: LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW</p> <p>Link to current version: https://www.e-tar.lt/portal/lt/legalAct/TAR.42837E5A79DD/asr</p> <p>4. a) A non-national in general = "užsienietis" ("foreigner") b) The term "undocumented migrant" is not used in national legislation. In national legislation, the following terms cover the phenomenon undocumented migrants: "neteisėtai atvykęs užsienietis" ("foreigner who entered illegally") or "neteisėtai esantis užsienietis" ("foreigner who is staying illegally"). Article 37 Alien's Passport could also be mentioned: "A foreign national who is entitled to temporary or permanent residence in the Republic of Lithuania but is not in possession of a valid passport of a foreign national or an equivalent travel document or it has been lost or destroyed and the foreign national cannot receive it from the competent authorities of his country of origin <...>"</p> <p>5. a) Migracijos departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos (Migration Department under the Ministry of the Interior of the Republic of Lithuania); Valstybės sienos apsaugos tarnyba prie Lietuvos Respublikos vidaus reikalų ministerijos (State Border Protection Service under the Ministry of the Interior of the Republic of Lithuania) b) Migracijos departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos (Migration Department under the Ministry of the Interior of the Republic of Lithuania) c) All decisions by the Migration Department can be appealed against in Vilnius Regional Administrative Court (Vilniaus apygardos administracinis teismas). If Vilnius Regional Administrative Court rejects the appeal, this decision can be</p>
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			<p>appealed against in the Supreme Administrative Court of Lithuania (Lietuvos vyriausiasis administracinis teismas).</p> <p>d) Valstybės sienos apsaugos tarnybos prie Vidaus reikalų ministerijos Užsieniečių registracijos centras (Foreigners Registration Centre of the State Border Protection Service under the Ministry of the Interior).</p> <p>6. Article 32 of the Law on the Legal Status of Aliens states that unaccompanied minors have the right to contact representatives of international and non-governmental organizations.</p> <p>Article 35 of the Law on the Legal Status of Aliens states that the Migration Department should consult the relevant institution of higher education when deciding on whether to refuse the extension of a residence permit for a student.</p> <p>According to Article 76 of the Law on the Legal Status of Aliens, the Migration Department may invite external experts or specialists if it is necessary for the review of applications for asylum.</p> <p>Article 109 of the Law on the Legal Status of Aliens allows the participation of international and non-governmental organizations in the integration of foreigners (specifically, those who have been granted asylum) in Lithuania.</p> <p>Article 126 of the Law on the Legal Status of Aliens states that international and non-governmental organizations participates in the monitoring of the removal of foreigners.</p> <p>According to Article 128 of the Law on the Legal Status of Aliens, the removal of the foreigner can be suspended if the foreigner is in need of basic emergency care, which is determined by an advisory commission of a hospital's doctors.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. a) Loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration (Amended law of 29 August 2008 on free movement of persons and immigration - Imm)</p> <p>b) Loi du 18 décembre 2015 sur la protection internationale et la protection subsidiaire (Law of 18 December 2015 on international protection and temporary protection - Asylum Law)</p> <p>c) Loi du 18 décembre 2015 relative à l'accueil des demandeurs de protection internationale et de protection temporaire, et modifiant la loi modifiée du 10 août 1991 sur la profession d'avocat (Law of 18 December 2015 on the reception of applicants for international protection and temporary protection - Reception Law)</p> <p>2. N/A.</p> <p>3. The Immigration Law is divided in the following chapters:</p>

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			<p>Chapter 1: General dispositions Chapter 2: The right of European Union citizens, nationals of other States which are parties to the European Economic Area Agreement and of the Swiss Confederation and their families members to move and reside freely in the territory of the Grand Duchy of Luxembourg Chapter 3: The right of entry and residence of third-country nationals Chapter 4: Refusal Procedures Chapter 5: Removal Chapter 6: The controls Chapter 7: The sanctions Chapter 8: The advisory bodies Chapter 9: Budgetary and financial provisions Chapter 10: Amending provisions Chapter 11: Abrogatory provisions Chapter 12: Transitory provisions and entitled.</p> <p>The last coordinated text is from 25 June 2013 (http://data.legilux.public.lu/file/eli-etat-leg-memorial-2013-113-fr-pdf.pdf) but you have to take into consideration the following amendments (which do not affect the general structure):</p> <p>Laws of 26 June 2014, 18 December 2015, 8 March 2017, 20 July 2018, 1st August 2018, 8 April 2019 and 4 December 2019.</p> <p>There is a coordinated text up to 21st November 2018 which is published on the website of the Directorate of Immigration but not in the official Journal of the Grand Duchy of Luxembourg (Mémorial). https://maee.gouvernement.lu/dam-assets/directions/d8/l%C3%A9gislations/Loi-modifiee-du-29-aout-2008-sur-la-libre-circulation-des-personnes-et-l-immigration.pdf</p> <p>Asylum Law Chapter 1: Object, scope, definitions and competence Chapter 2: Procedure for granting and withdrawing an application for international protection Chapter 3: Standards on the qualification of third-country nationals or stateless persons for international protection, a uniform status for refugees and persons eligible for subsidiary protection Chapter 4: Content of the international protection</p>
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			<p>Chapter 5: The temporary protection Chapter 6: Amending and repealing provisions</p> <p>Reception Law Chapter 1: Objective, the scope of application and definitions Chapter 2: General provisions on the reception conditions Chapter 3: Temporary protection Chapter 4: Vulnerable persons Chapter 5: Limitation and withdrawal of the benefit of material reception conditions Chapter 6: Training for supervisory staff Chapter 7: Access to information Chapter 8: Amending provision Chapter 9: Budgetary and financial provisions</p> <p>4. The Immigration Law in article 3 a) defines a non-national as "any person who does not possess Luxembourg nationality, either because he or she possesses another nationality exclusively or because he or she possesses no nationality;" (étranger: toute personne qui ne possède pas la nationalité luxembourgeoise, soit qu'elle possède à titre exclusif une autre nationalité, soit qu'elle n'en possède aucune)</p> <p>There is no express definition of undocument migrant. However, the definition can be extracted from article 100 (1) c) of the Immigration Law which defines an undocumented migrant as: "(1) The presence of a third-country national is considered to be an irregular stay in the territory giving rise to a return decision: c) who is not in possession of a residence permit valid for more than three months or a work permit if the latter is required;" ((1) Est considéré comme séjour irrégulier sur le territoire donnant lieu à une décision de retour, la présence d'un ressortissant de pays tiers qui n'est pas en possession d'une autorisation de séjour valable pour une durée supérieure à trois mois ou d'une autorisation de travail si cette dernière est requise.</p> <p>5. A) Directorate of Immigration, Foreigners Department and Return Department, Ministry of Foreign and European Affairs (Direction de l'immigration, Service étrangers et Service Retours, Ministère des Affaires étrangères et européennes); B) Directorate of Immigration, Refugee Department, Ministry of Foreign and European Affairs (Direction de</p>
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			<p>l'immigration, Service Réfugiés, Ministère des Affaires étrangères et européennes) ; C) Administrative Courts (First instance Administrative Court and Administrative Court) (Juridictions administratives - Tribunal administratif et Cour administrative). D) Luxembourg Detention Center (Centre de Rétention).</p> <p>6. Yes.</p> <p>Advisory board for salaried workers (article 150 (1) and (2) of the Immigration Law): This advisory board is used if the Minister in charge of Immigration considers that the conditions listed under points 1 to 4 of paragraph (1) of article 42 are not met, he or she shall refer the matter to the advisory board before taking a decision to refuse an authorisation to stay for salaried worker or a work permit. Advisory board for independent workers (article 151 (1) of the Immigration Law): This advisory board is heard in its opinion by the Minister in charge of Immigration before any decision is taken to grant a residence permit for self-employed persons. Advisory Board to assess the best interests of unaccompanied minors (article 103 of the Immigration Law) in the context of return decisions.</p>
	<p>EMN NCP Malta</p>	<p>Yes</p>	<p>1. In Malta, the major national laws on asylum and migration consist in the following main Acts: L-Att dwar l-Immigrazzjoni (Kapitlu 217 tal-liġijiet ta' Malta) translated in English as the 'Immigration Act (Chapter 217 of the Laws of Malta)'. L-Att dwar il-Protezzjoni Internazzjonali (Kapitlu 420 tal-liġijiet ta' Malta) translated in English as the 'International Protection Act (Chapter 420 of the Laws of Malta)'.</p> <p>2. It should be noted that these Laws have not been codified or merged into one single Code.</p> <p>3. The Immigration Act is structured as follows:</p> <p>Part I Preliminary Part II Exempt Persons</p>

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			<p>Part III Special Provisions Part IV Prohibited Immigrants Part V General</p> <p>https://legislation.mt/eli/cap/217/eng The International Protection Act is structured as follows: ▲ Part I General Provisions Part II Chief Executive Officer Part III International Protection Appeals Board Part IV Refugee Status and Subsidiary Protection Status Part V Accelerated Procedures Part VI Miscellaneous</p> <p>https://legislation.mt/eli/cap/420/eng</p> <p>4. Maltese law provides for the definitions of 'third country national', 'citizen of a Member State' and 'prohibited migrant' as follows:</p> <p>"ċittadin ta' pajjiż terz" tfisser kwalunkwe persuna li mhix ċittadin tal-Unjoni Ewropea fi ħdan it-tifsira tal-artikolu 20 (1) tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea u li mhuxpersuna li tgawdi d-dritt tal-komunità tal-moviment ħieles, kifimfisser fl-artikolu 2 (5) tar-Regolament (KE) Nru 562/2006 li jstabbilixxi Kodiċi tal-Komunità dwar ir-regoli li jirregolaw il-moviment ta' persuni bejn il-fruntieri (Kodiċi tal-Fruntieri ta'Schengen);</p> <p>Translated in English as:</p> <p>"third-country national" means any person who is not a national of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);</p>
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			<p>"ċittadin ta' Stat Membru" tfisser ċittadin ta' Stat li jkun parti fit-Trattat;</p> <p>Translated in English as:</p> <p>"citizen of a Member State" means a citizen of a state party to the Treaty</p> <p>"immigrant projbit" huwa persuna li nizlet Malta mingħajr l-awtorizzazzjoni tal-Uffiċjal Prinċipali dwar l-Immigrazzjoni';</p> <p>Translated in English as:</p> <p>"prohibited migrant" is a person who has landed in Malta without authorization from the Principal Immigration Officer.</p> <p>5.</p> <ul style="list-style-type: none">• The national immigration office(s) responsible for the entry, stay and/or return of non-nationals is 'L-Uffiċċju tal-Uffiċjal Prinċipali dwar l-Immigrazzjoni' translated in English as the 'Office of the Principal Immigration Officer'.• The Office responsible for the examination of applications for international protection is 'L-Aġenzija dwar il-Protezzjoni Internazzjonali' translated in English as the 'International Protection Agency'.• The (administrative and/or judicial) appeal instance(s) in migration procedures is 'il-Bord tal-Appelli dwar l-Immigrazzjoni' translated in English as the 'Immigration Appeals Board'.• The detention facilities are administered by 'is-Servizz ta' Detenzjoni' translated in English as 'Detention Service'. <p>6. <u>The Principal Immigration Officer</u></p> <p>The Principal Immigration Officer regulated by virtue of articles 3 and 6 of the Immigration Act (Chapter 217 of the</p>
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			<p>Laws of Malta), is the authority responsible for:</p> <p>(a) granting leave to land or leave to land and remain in Malta to any member of a crew intending to continue his journey in the vessel by which he arrives for the period of the vessel's stay in port and on condition that he leaves in the same vessel;</p> <p>(b) granting leave to land or leave to land and remain to any other person arriving in Malta, under such conditions and for such period as the Principal Immigration Officer may deem proper to establish;</p> <p>(c) grant extensions of the period referred to in the last preceding paragraph by such further periods as in each case the Principal Immigration Officer may deem proper to grant and under such conditions, whether similar to those previously imposed or not, as he may deem proper to establish.</p> <p><u>The Identity Malta Agency</u></p> <p>The Identity Malta Agency is the Agency responsible for carrying out functions and duties of the public administration in relation to visas, residence permits, work permits and other administrative matters related to expatriates. This Agency has been established by virtue of regulation 3 of the Identity Malta Agency Establishment Order (Subsidiary Legislation 595.07).</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Dutch: Vreemdelingenwet 2000 (Vw 2000) English: Aliens Act 2000</p> <p>2. N/A</p> <p>3. <u>Link: https://wetten.overheid.nl/BWBR0011823/2020-05-14#Hoofdstuk1a</u> <u>Current structure of the Aliens Act:</u></p> <ul style="list-style-type: none"> • Chapter 1. Introductory provisions <ul style="list-style-type: none"> ○ Part 1. Definitions

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			<ul style="list-style-type: none">○ Part 2. The Dutch Advisory Committee on Migration Affairs (ACVZ)○ Part 3. The sponsor<ul style="list-style-type: none">▪ Unit 1. General▪ Unit 2. Recognition as sponsor• Chapter 1a. National visa<ul style="list-style-type: none">○ Part 1. General<ul style="list-style-type: none">▪ Unit 1. Interdepartmental coordination▪ Unit 2. Necessary visa▪ Unit 3. Authorization▪ Unit 4. Fees; regulations, restrictions and obligations▪ Unit 5. Disregarding a case, hearing duty, reciprocity remedy clause and motivation○ Part 2. permit/authorisation for temporary stay<ul style="list-style-type: none">▪ Unit 1. Granting and rejection▪ Unit 2. Application and issuing▪ Unit 3. Required information and decision period▪ Unit 4. Other provisions○ Part 3. Return visas○ Part 4. Further rules• Chapter 2. Entry• Chapter 3. Residence<ul style="list-style-type: none">○ Part 1. Lawful residence○ Part 2. Residence permits○ Part 3. Ordinary residence permits<ul style="list-style-type: none">▪ Unit 1. Temporary residence permit▪ Unit 2. Permanent residence permit▪ Unit 3. Procedural provisions▪ Unit 4. Notification of the application▪ Unit 5. Granting of the application▪ Unit 6. Refusal of the application○ Part 4. Asylum residence permits
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			<ul style="list-style-type: none"><ul style="list-style-type: none">▪ Unit 1. Temporary residence permit▪ Unit 2. Permanent residence permit▪ Unit 3. Procedural provisions▪ Unit 4. Notification of the application▪ Unit 5. Granting of the application▪ Unit 6. Refusal of the application○ Part 5. Long-term residence status<ul style="list-style-type: none">▪ Unit 1. The EU residence permit for long-term residence▪ Unit 2. Procedural provisions• Chapter 4. Supervision<ul style="list-style-type: none">○ Part 1. Supervision on compliance<ul style="list-style-type: none">▪ Unit 1. Indication▪ Unit 2. Authorities▪ Unit 3. Measures of supervision• Chapter 5. Custody and freedom-restricting measures• Chapter 6. Departure, expulsion and orders declaring a person to be an undesirable aliens<ul style="list-style-type: none">○ Part 1. Departure○ Part 2. Expulsion and transfer○ Part 3. Entry ban○ Part 4. Pronouncement of undesirability• Chapter 7. Legal remedies<ul style="list-style-type: none">○ Part 1. General provisions○ Part 2. Regular<ul style="list-style-type: none">▪ Unit 1. General▪ Unit 2. Objection▪ Unit 3. Administrative appeal▪ Unit 4. Court appeal○ Part 3. Asylum<ul style="list-style-type: none">▪ Unit 1. General▪ Unit 2. Administrative appeal▪ Unit 3.
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			<ul style="list-style-type: none">▪ Unit 4. Appeal▪ Unit 5. Special remedies• Chapter 8. General and criminal provisions<ul style="list-style-type: none">○<ul style="list-style-type: none">▪ Unit 1. Biometrics▪ Unit1a. Data provisions and processing▪ Unit 2. Penal provisions▪ Unit 3. Deviations▪ Unit 4. Residence based on international obligation▪ Unit 5. Provisions of private international law and other provisions <p>Chapter 9. Transitional and final provisions</p> <p>4.</p> <ol style="list-style-type: none">1. Dutch – vreemdeling; English - alien2. There is no specific term in Dutch national law for an undocumented migrant.[1] <p>[1] This information was provided by DMB on 6 May 2021.</p> <p>5.</p> <ol style="list-style-type: none">1. In the Netherlands the IND is responsible for the entry and stay of non-nationals.[1] Furthermore, the COA is responsible for the reception, support and guidance of asylum seekers[2], meanwhile the DT&V are responsible for the return of non-nationals:[3]<ol style="list-style-type: none">a. IND: Dutch : Immigratie- en Naturalisatiedienst; English: Immigration and Naturalisation Serviceb. DT&V: Dutch: Dienst Terugkeer en Vertrek; English: Repatriation and Departure Servicec. COA: Dutch: Centraal Orgaan opvang asielzoekers; English: Central Agency for the Reception of Asylum Seekers2. The examination of applications for international protection are carried out by the IND.[4] (See answer 5a for the official translation)3. In both cases you must first appeal to court. After a court ruling, you can appeal to the Raad van State (Dutch) or Council of the State (English).[5]
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			<p>DJI: Dutch: Dienst Justitiële Inrichtingen; English: Custodial Institutions Agency^[6]</p> <p>^[1] IND, "About the IND", https://ind.nl/en/about-ind/Pages/default.aspx, last accessed on 7 May 2021. ^[2] COA, "About COA", https://www.coa.nl/en/coa, last accessed on 7 May 2021. ^[3] DT&V, "About DT&V", https://english.dienstterugkeerenvertrek.nl/about-dtv, last accessed on 7 May 2021. ^[4] Rijksoverheid, "Hoe verloopt het aanvragen van asiel?", https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/procedure-asielzoeker, last accessed on 7 May 2021. ^[5] Rechtspraak, "Vreemdelingen", https://www.rechtspraak.nl/Onderwerpen/Paginas/Vreemdelingen.aspx, last accessed on 7 May 2021; Rechtspraak, "Beroepsprocedure vreemdelingenbewaring", https://www.rechtspraak.nl/Onderwerpen/Vreemdelingenbewaring/Paginas/procedure.aspx#ad340537-dbf5-4957-9095-8ee415999313cfa98918-5419-4915-a5e7-e8918158199715, last accessed on 7 May 2021; Raad van State, "Bestuursrechtspraak", https://www.raadvanstate.nl/bestuursrechtspraak/, last accessed on 7 May 2021. ^[6] DJI, "Custodial Institutions Agency", https://www.dji.nl/english</p> <p>6. Yes, the Dutch national legislation provides an advisory commission: The Dutch Advisory Committee on Migration Affairs (ACVZ). The ACVZ is an independent committee that advises the Dutch Government and Parliament on migration issues. ^[1] More specifically, its task is to advise on immigration law and the relevant policy, including amendments to the Aliens Act.^[2]</p> <p>^[1] ACVZ, "About the ACVZ", https://www.adviescommissievoorvreemdelingenzaken.nl/english, last accessed on 7 May 2021. ^[2] Article 2 Aliens Act (Vw) 2000</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1.</p> <ul style="list-style-type: none"> • Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach – Act on Foreigners • Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej – Act on granting protection to foreigners within the territory of the Republic of Poland • Ustawa z dnia 14 lipca 2006 r. o wjeździe na terytorium Rzeczypospolitej Polskiej, pobycie oraz wyjeździe z tego terytorium obywateli państw członkowskich Unii Europejskiej i członków ich rodzin – Act on the entry

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			<p>into the territory of the Republic of Poland, stay and departure from this territory of citizens of the European Union Member States and their family members</p> <p>2. No such a document.</p> <p>3. Act on Foreigners http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20130001650 TYTUŁY: DZIAŁ I Przepisy ogólne DZIAŁ II Szef Urzędu do Spraw Cudzoziemców DZIAŁ III Przekraczanie granicy DZIAŁ IV Wizy DZIAŁ V Zezwolenie na pobyt czasowy. Mobilność DZIAŁ VI Zezwolenie na pobyt stały i zezwolenie na pobyt rezydenta długoterminowego UE DZIAŁ VII Dokumenty wydawane cudzoziemcom DZIAŁ VIII Kontrola legalności pobytu cudzoziemców na terytorium Rzeczypospolitej Polskiej i zobowiązanie cudzoziemca do powrotu DZIAŁ IX Zatrzymanie cudzoziemca oraz strzeżone ośrodki i areszty dla cudzoziemców DZIAŁ X Rejestry, ewidencja i wykaz cudzoziemców DZIAŁ XII Przepisy karne DZIAŁ XIII Przepisy zmieniające, przejściowe i końcowe</p> <p>TITLES: SECTION I General provisions PART II The Head of the Office for Foreigners SECTION III Border crossing SECTION IV Visas SECTION V Temporary residence permit. Mobility SECTION VI Permanent residence permit and long-term resident's EU residence permit SECTION VII Documents issued to foreigners SECTION VIII Control of the legality of foreigners' stay on the territory of the Republic of Poland and obligation of the foreigner to return</p>
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			<p>SECTION IX Detention of a foreigner and guarded centers and detention centers for foreigners SECTION X Registers, records and list of foreigners SECTION XII Penal provisions SECTION XIII Amending, transitional and final provisions</p> <ul style="list-style-type: none">• Act on granting protection to foreigners within the territory of the Republic of Poland https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20031281176 TYTUŁY: DZIAŁ I Przepisy ogólne DZIAŁ II Status uchodźcy i ochrona uzupełniająca DZIAŁ III Inne rodzaje ochrony udzielanej cudzoziemcom na terytorium Rzeczypospolitej Polskiej DZIAŁ IV Rejestry DZIAŁ V Przepisy karne DZIAŁ VI Zmiany w przepisach obowiązujących oraz przepisy przejściowe i końcowe <p>TITLES: SECTION I General provisions SECTION II Refugee status and subsidiary protection SECTION III. Other types of protection granted to foreigners on the territory of the Republic of Poland SECTION IV Registers SECTION V Penal provisions SECTION VI Amendments to the applicable provisions as well as transitional and final provisions</p> <ul style="list-style-type: none">• Act on the entry into the territory of the Republic of Poland, stay and departure from this territory of citizens of the European Union Member States and their family members https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20061441043 TYTUŁY: Rozdział 1 Przepisy ogólne Rozdział 2 Wjazd na terytorium Rzeczypospolitej Polskiej i wyjazd z tego terytorium Rozdział 3 Prawo pobytu Rozdział 4a Przepisy szczególne dotyczące prawa pobytu lub prawa stałego pobytu obywateli Zjednoczonego Królestwa i członków ich rodzin Rozdział 5a Postępowanie w sprawie zatrzymania obywatela UE lub członka rodziny niebędącego obywatelem UE,
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			<p>umieszczenia go w strzeżonym ośrodku lub zastosowania wobec niego aresztu dla cudzoziemców</p> <p>Rozdział 6 Rejestry w sprawach obywateli UE i członków rodzin niebędących obywatelami UE</p> <p>Rozdział 7 Przepisy karne</p> <p>Rozdział 8 Zmiany w przepisach obowiązujących</p> <p>Rozdział 9 Przepisy przejściowe i końcowe</p> <p>TITLES:</p> <p>Chapter 1 General provisions</p> <p>Chapter 2 Entry into the territory of the Republic of Poland and departure from this territory</p> <p>Chapter 3 Right of residence</p> <p>Chapter 4a Special provisions relating to the right of residence or permanent residence of UK nationals and their family members</p> <p>Chapter 5a Proceedings on the detention of an EU citizen or a family member who is not an EU citizen, placing him in a guarded center or arresting him or her for foreigners</p> <p>Chapter 6 Registers on EU citizens and family members who are not EU citizens</p> <p>Chapter 7 Penal provisions</p> <p>Chapter 8 Amendments to the binding provisions</p> <p>Chapter 9 Transitional and final provisions</p> <p>4.</p> <p>1. cudzoziemiec – foreigner</p> <p>Definition on a foreigner from the Act on Foreigners:</p> <p>Polish version: cudzoziemiec to każdy kto nie posiada obywatelstwo polskiego.</p> <p>English version: a foreigner is anyone who does not have Polish citizenship.</p> <p>1. migrant nieregularny – irregular migrant</p> <p>Lack of definition of irregular migrant in the Act on Foreigners.</p> <p>5.</p> <p>1. Straż Graniczna – Board Guard, Urząd do Spraw Cudzoziemców – Office for Foreigners</p> <p>2. Urząd do Spraw Cudzoziemców (organ 1szej instancji), Rada do Spraw Uchodźców (organ 2giej instancji) - Office for Foreigners (first instance authority), Refugee Council (second instance authority)</p> <p>3. Migration procedures:</p>
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			<p><u>Legal migration</u> - administrative appeal: Urząd do Spraw Cudzoziemców - Office for Foreigners ; Judicial appeal: Wojewódzki sąd Administracyjny - Provincial Administrative Court, Naczelny sąd Administracyjny - Supreme Administrative Court</p> <p><u>Refugees</u> - administrative appeal: Rada do Spraw Uchodźców - Refugee Council, judicial Appeal: Wojewódzki sąd Administracyjny - Provincial Administrative Court, Naczelny sąd Administracyjny - Supreme Administrative Court</p> <p>1. Detention appeal: Sąd Rejonowy – District Court</p> <p>6. No.</p>
	EMN NCP Portugal	Yes	<p>1.</p> <ul style="list-style-type: none"> • Regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional- Lei n.º 23/2007, de 4 de julho/ Legal framework of entry, permanence, exit and removal of foreigners into and out of national territory – <u>Law no.23/2007 of 4 July</u> • Regime jurídico que regula o exercício do direito de livre circulação e residência dos cidadãos da União Europeia e dos membros das suas famílias no território nacional - Lei n.º 37/2006, de 9 de agosto/ Legal framework that regulates the exercise of the right of free movement and residence of citizens of the European Union and members of their families in the national territory - <u>Law no.37/2006 of 9 August</u> • Regime jurídico que estabelece as condições e procedimentos de concessão de asilo ou proteção subsidiária e os estatutos de requerente de asilo, de refugiado e de proteção subsidiária Lei n.º 27/2008, de 30 de junho - Legal regime that establishes the conditions and procedures for granting asylum or subsidiary protection and the statutes of asylum seekers, refugees and subsidiary protection – <u>Law no. 27/2008 of 30 June</u> <p>2. NA</p> <p>3. Each Act is divided into Sections and into articles. The chapters of the <u>Law no.23/2007 of 4 July</u> are:</p> <ul style="list-style-type: none"> • General provisions

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			<ul style="list-style-type: none"> • Entry into and exit from Portuguese territory • Visas • Residence Permit • Removal from Portuguese territory • Penal provisions • Administrative offenses • Fees and other charges • Final provisions <p>4.</p> <p>1. Nacionais de países terceiros/cidadãos estrangeiros –Third coutry nationals/Foreign citizens b) migrante indocumentado/ undocumented migrant</p> <p>5. a) b)d)Serviço de Estrangeiros e Fronteiras/Immigration and Borders Service c)Tribunal administrativo/ Administrative Court</p> <p>6. NA</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. Zákon č. 404/2011 Z. z. o pobyte cudzincov – the Act no. 404/2011 Coll. on Residence of Foreigners Zákon č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov– the Act no. 480/2002 Coll. on Asylum Zákon č. 5/2004 Z. z. o službách zamestnanosti – the Act no. 5/2004 Coll. on Employment Services – this act is partially related to asylum and migration Zákon č. Zákon č. 40/1993 Z. z. o štátnom občianstve – the Act no. 40/1993 Coll. on State Citizenship</p> <p>2. N/A</p> <p>3. <u>The Act no. 404/2011 Coll. on Residence of Foreigners:</u> Part 1: Basic provisions (§ 1 - § 2) Part 2: Border control, entry and exit through external border (§ 3 - § 19)</p>

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			<p>Part 3: Residence of foreigners (§ 20 - § 76) Part 4: Administrative expulsion, detention and placement of third-country national into facility, police transport, police escort, air transit (§ 77 - § 106) Part 5: Duties of foreigners, natural persons, legal entities and public authorities of the Slovak Republic, offences and other administrative delicts (§ 107 - § 119) Part 6: Common, interim and final provisions (§ 120 - § 133) <u>404 ACT Of 21 October 2011 - On Residence of Foreigners and Amendment and Supplementation of Certain Acts (minv.sk)</u></p> <p><u>The Act no. 480/2002 Coll. on Asylum:</u> Part 1: Basic provisions (§ 1 - § 2) Part 2: Asylum procedure (§ 3 - § 21) Part 3: Rights and obligations of asylum seekers, persons granted asylum and persons granted subsidiary protection (§ 22 - § 27c) Part 4: Integration (§ 28) Part 5: Temporary shelter (§ 29 - § 36) Part 6: Asylum facilities (§ 37 - § 41) Part 7: Co-operation with the office of the un high commissioner, international organisation for migration and non-governmental organisations (§ 42 - § 46) Part 8: Procedure concerning transfer to another state (§ 46a - § 46c) Part 9: Common, interim and final provisions (§ 47 - § 55) Link to the Act in English is not available. (Available in Slovak https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/480/20210101)</p> <p><u>The Act no. 5/2004 Coll. on Employment Services:</u> Part 1: Basic provision (§ 1) Part 2: Participant of legal relation (§ 2 - § 10) Part 3: Employment services (§ 11 - § 18) Part 4: (§ 19 - § 20) Part 5: (§ 21 - § 24) (this part includes employment of foreigners, work permit, validity of work permit) Part 6: Employment services provided by legal person and by natural person (§ 25 - § 24)</p>
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			<p>Part 7: Active labour market measures (§ 32 - § 54) Part 8: Support of employment of disabled citizens (§ 55 - § 60) Part 9: Obligations of the employer (§ 62 - § 65b) Part 10: Information system, publication of data and data protection (§ 67 - § 67a) Part 11: Supervision (§ 68 - § 68b) Part 12: Common, interim and final provisions (§ 69 - § 73) http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=67700&p_country=SVK&p_count=379&p_classification=08&p_classcount=21</p> <p><u>The Act no 40/1993 Coll. on State Citizenship:</u> Part 1: Acquiring state citizenship (§ 2 - 8) Part 2: Loss of state citizenship (§ 9) Part 3: Certification of citizenship (§ 9a) Part 4: Common and final provisions (§ 10 - § 21) Link to the Act in English is not available. (Available in Slovak https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1993/40/20191201)</p> <p>4. a) Cudzinec – foreigner. A foreigner shall be understood as everybody who is not the state citizen of the Slovak Republic. štátny príslušník tretej krajiny- third country national. A third country national is everybody who is neither the state citizen of the Slovak Republic nor the Union citizen; a third country national is also understood as a person without any citizenship. občan EÚ – EU citizen. A Union citizen is understood as everybody who is not the state citizen of the Slovak Republic and who is the citizen of another member state.</p> <p>b) štátny príslušník tretej krajiny zdržiavajúci sa neoprávnene na území SR – third country national residing in the territory of the Slovak Republic without authorisation</p> <p>5. a) Úrad hraničnej a cudzineckej polície Prezídia policajného zboru – The Bureau of Border and Foreign Police of the Presidium of the Police Force (source: https://www.minv.sk/?bureau-of-border-and-foreign-police-of-the-presidium-of-the-police-force-1)</p>
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			<p>b) migračný úrad Ministerstva vnútra Slovenskej Republiky - Migration Office of the Ministry of Interior of the Slovak Republic</p> <p>c) In case of appeal against the decision not to be granted asylum: appeal action to Regional Court and cassation appeal against the final decision of the Regional Court to Supreme Court</p> <p>1. instance: Krajský súd – Regional Court</p> <p>2. instance: Najvyšší súd –Supreme Court</p> <p>In case of appeal against the decision on not granting the residence: appeal against the decision is submitted to the respective Unit of Foreign Police of the Police Force. In case the Unit of Foreign Police of the Police Force does not comply fully with the appeal the appeal is decided by the second instance authority (Directorate of the Border and Foreign Police). It is possible to claim an action against the final decision of the second instance authority at the Regional Court.</p> <p>1. instance: Oddelenie cudzineckej polície –The Unit of Foreign Police of the Police Force (source: https://www.minv.sk/?the-units-of-foreign-police-of-the-police-force)</p> <p>2. instance: Riaditeľstvo hraničnej a cudzineckej polície – Directorate of the Border and Foreign Police</p> <p>3. instance: Krajský súd – Regional Court</p> <p>d) útvar policajného zaistenia pre cudzincov – Police Detention Centre for Foreigners (source: https://www.minv.sk/?police-detention-centres-for-foreigners-1)</p> <p>6. No.</p>														
	EMN NCP Slovenia	Yes	<p>1.</p> <table border="0"> <tr> <td>Slovene</td> <td>English translation</td> </tr> <tr> <td>Zakon o tujcih</td> <td>Foreigners Act</td> </tr> <tr> <td>Zakon o mednarodni zaščiti</td> <td>International Protection Act</td> </tr> <tr> <td>Zakon o zaposlovanju, samozaposlovanju in delu tujcev</td> <td>Employment, Self-employment and Work of Foreigners Act</td> </tr> <tr> <td>Zakon o državljanstvu Republike Slovenije</td> <td>Citizenship of the Republic of Slovenia Act</td> </tr> <tr> <td>Zakon o nadzoru državne meje</td> <td>State Border Control Act</td> </tr> <tr> <td>Zakon o začasní zaščiti razseljenih oseb</td> <td>Temporary Protection of Displaced Persons Act</td> </tr> </table>	Slovene	English translation	Zakon o tujcih	Foreigners Act	Zakon o mednarodni zaščiti	International Protection Act	Zakon o zaposlovanju, samozaposlovanju in delu tujcev	Employment, Self-employment and Work of Foreigners Act	Zakon o državljanstvu Republike Slovenije	Citizenship of the Republic of Slovenia Act	Zakon o nadzoru državne meje	State Border Control Act	Zakon o začasní zaščiti razseljenih oseb	Temporary Protection of Displaced Persons Act
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			<p>2. Not applicable.</p> <p>3. List of Slovenian laws and regulations in English can be found here. The translations are not updated regularly, therefore the latest version of individual law cannot be provided. Below are listed translations of key Slovenian laws on asylum and migration. Main titles/chapters are included in translation.</p> <p><u>Foreigners Act</u></p> <p><u>International Protection Act</u></p> <p><u>Employment, Self-employment and Work of Foreigners Act</u></p> <p><u>Citizenship of the Republic of Slovenia Act</u></p> <p><u>State border Control Act</u></p> <p><u>Temporary Protection of Displaced Persons Act</u></p> <p>4.</p> <table border="0"> <tr> <td>Term</td> <td>Slovene</td> <td>English translation</td> </tr> <tr> <td>Non- national in general</td> <td>Tujec/Tujka</td> <td>Foreigner</td> </tr> <tr> <td>Undocumented migrant</td> <td>Nezakonito prebivajoči tujec</td> <td>Illegally staying foreigners</td> </tr> </table> <p>5.</p> <table border="0"> <tr> <td>Term</td> <td>Slovene</td> <td>English</td> </tr> <tr> <td>the national immigration office(s) responsible for the entry, stay and/or return of non-nationals</td> <td>Ministrstvo za notranje zadeve</td> <td>Ministry of the Interior</td> </tr> <tr> <td>the office(s) responsible for the examination of applications for international protection</td> <td>Ministrstvo za notranje zadeve, Direktorat za migracije, Sektor za postopke mednarodne zaščite</td> <td>Ministry of the Interior, Migration Directorate, International Protection Procedures Division</td> </tr> </table>	Term	Slovene	English translation	Non- national in general	Tujec/Tujka	Foreigner	Undocumented migrant	Nezakonito prebivajoči tujec	Illegally staying foreigners	Term	Slovene	English	the national immigration office(s) responsible for the entry, stay and/or return of non-nationals	Ministrstvo za notranje zadeve	Ministry of the Interior	the office(s) responsible for the examination of applications for international protection	Ministrstvo za notranje zadeve, Direktorat za migracije, Sektor za postopke mednarodne zaščite	Ministry of the Interior, Migration Directorate, International Protection Procedures Division
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			<p>the (administrative and/or judicial) appeal instance(s) in migration procedures</p> <p>detention facilities</p> <p>6. No.</p>	<p>-Ministrstvo za notranje zadeve, Direktorat za migracije (organ druge stopnje glede na 87. Člen, ZTuj)</p> <p>- Upravno sodišče</p> <p>- Vrhovno sodišče</p> <p>Center za tujce</p>	<p>-Ministry of the Interior, Migration Directorate (authority of second instance according to article 87 of Foreigners Act)</p> <p>-Administrative Court</p> <p>- Supreme Court</p> <p>Centre for foreigners</p>
	EMN NCP Spain	Yes	<p>1. In the field of immigration from third countries (“General Aliens Regime”):</p> <ul style="list-style-type: none"> Ley Orgánica 4/2000 de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social. Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration. <p>To promote international mobility:</p> <ul style="list-style-type: none"> Ley 14/2013 de 27 de septiembre, de apoyo a los emprendedores y su internacionalización. Law 14/2013, of 27 September, on support for entrepreneurs and their internationalisation. <p>(Title V, Section “International mobility”)</p> <p>In the area of Asylum:</p> <ul style="list-style-type: none"> Ley 12/2009 de 30 de octubre, reguladora del derecho de asilo y la protección subsidiaria. Law 12/2009, of 30 October, regulating the right to asylum and subsidiary protection. <p>As regards the free movement of EU citizens, the regulation does not have the status of law, but is a Royal Decree (“European Union Citizens’ Regime”):</p> <ul style="list-style-type: none"> Real Decreto 240/2007 de 16 de febrero, sobre entrada, libre circulación y residencia en España de ciudadanos de los Estados miembros de la Unión Europea y de otros Estados parte en el Acuerdo sobre el Espacio Económico Europeo..Royal Decree 240/2007 of 16 February on the entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States parties to the Agreement on the European Economic Area. (Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration in those aspects that may be more favourable to them also applies to them) 		

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			<p>2. There is not a single code so far</p> <p>3. Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration. Structure: Preliminary title Title I Rights and freedoms of aliens Chapter I Rights and freedoms of aliens Chapter II Family reunification Chapter III Legal guarantees Chapter IV on anti-discrimination measures Title II Legal regime for aliens Chapter I of the entry into and exit of the Spanish territory Chapter II of the authorisation for stay and residence Chapter III of authorisations for the conduct of profit-making activities Chapter IV of fees for administrative authorisations and for the processing of visa applications. Title III: Offences relating to aliens and their sanctioning regime. Title IV Coordination of public authorities.</p> <ul style="list-style-type: none"> • Law 14/2013, of 27 September, on support for entrepreneurs and their internationalisation. (Title V, Section "International mobility") Chapter I Facilitation of entry and stay Chapter II Investors Chapter III Entrepreneurs and entrepreneurship Chapter IV Highly qualified professionals Chapter V Intra-enterprise transfer Chapter VI General rules on the procedure for granting authorisations • Law 12/2009, of 30 October, regulating the right to asylum and subsidiary protection. Preliminary title.General provisions Title I on international protection Chapter I on the conditions for the recognition of the right of asylum Chapter II on the conditions for recognition of the right to subsidiary protection
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			<p>Chapter III Common provisions Title II of the procedural rules for the recognition of international protection Chapter I of the submission of the application Chapter II on the processing of applications Chapter III on the reception conditions of applicants for international protection Chapter IV Statement by the United Nations High Commissioner for Refugees (UNHCR) Chapter V on the effects of the resolution Chapter VI Applications for International Protection in Embassies and Consulates. Title III The family unit of persons benefiting from international protection. Title IV of the cessation and renewal of international protection Title V Children and other vulnerable persons</p> <ul style="list-style-type: none">• Royal Decree 240/2007 of 16 February on the entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States parties to the Agreement on the European Economic Area. <p>Chapter I General provisions Chapter II Entry and exit Chapter III Stay and residence Chapter IV Permanent residence Chapter V Provisions common to the procedures for the application, processing, issuance and renewal of registration certificates and residence cards Chapter VI Limitations on grounds of public policy, public security and public health</p> <p>You have access to all the rules referred to in point 1, as well as to those which develop them in: https://extranjeros.inclusion.gob.es/es/normativa/nacional/index.html</p> <p>4. With regard to non-Spanish nationals, article 1.1 of Organic Law 4/2000 of 11 January states that "for the purposes of the application of this Law, those who do not have Spanish nationality shall be considered foreigners (extranjeros in Spanish) Foreign persons who are in Spain and who have not obtained or have not renewed the documentation that allows</p>
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			<p>them to reside and, where appropriate, work in Spain may be considered immigrants in an irregular situation in Spain (personas inmigrantes en situación irregular in Spanish)</p> <p>5.</p> <ol style="list-style-type: none">1. The Offices that handle immigration files are the Offices of Aliens (Oficinas de extranjería, in Spanish)https://www.mptfp.gob.es/portal/delegaciones_gobierno/delegaciones/madrid/servicios/extranjeria.html , although certain procedures may also be carried out in offices under the General Directorate of Police:Http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/oficinas-para-tramites-de-extranjeria2. The Office that handles applications for international protection is the Office of Asylum and Refuge (Oficina de Asilo y Refugio in Spanish) http://www.interior.gob.es/web/servicios-al-ciudadano/oficina-de-asilo-y-refugio, however these procedures are resolved by the Minister of the Interior.3. Decisions on aliens are subject to appeal in accordance with the provisions of the law. In administrative proceedings, Act No.39/2015 of 1 October on the Common Administrative Procedure for Public Administrations provides, depending on on the kind of resolution to be appealed, for three types of administrative appeals: of. "alzada", to the hierarchical superior of the person who dictated the act provided that it does not exhaust the administrative procedure, For acts that if exhausted, it is possible to submit the potestative appeal of "reposición" to the same body that issued the act. There is also the extraordinary appeal of "revisión" <p>In judicial proceedings, appeals must be lodged with the courts of contentious-administrative jurisdiction ("Jurisdicción contencios administrativa")</p> <ol style="list-style-type: none">1. Article 62 of Organic Law 4/2000 refers to Aliens internment centers (Centros de internamiento de extranjeros in Spanish) which it defines as "public establishments of a non-penitentiary nature; entry into and stay in them shall have only preventive and precautionary purposes, safeguarding the rights and freedoms recognised in the legal system, without any limitations other than those established to their ambulatory freedom, in accordance with the content and purpose of the judicial measure of entry agreed" <p>6.</p> <p>The Law 12/2009, of 30 October, regulating the right to asylum and subsidiary protection establishes that the Inter-Ministerial Commission on Asylum and Refugees is a collegial body attached to the Ministry of the Interior, composed of a representative of each department with competence in foreign and internal policy, justice, immigration, reception of asylum seekers and equality. The UNHCR representative in Spain is invited to attend its meetings.</p>
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			<p>Among other competences, and according to the Act, after the investigation of international protection files has been completed, the Inter-Ministerial Commission on Asylum and Shelter shall submit a proposal to the Minister of the Interior, who shall be competent to issue the corresponding decision granting or denying, as appropriate, the right of asylum or subsidiary protection. The Commission is also involved in the procedures for the cessation and revocation of international protection and family extension of the right of asylum and subsidiary protection, and is informed in case of files to be processed under the urgent procedure.</p> <p>The Inter-Ministerial Commission on Aliens is an inter-ministerial collegiate body attached to the Ministry of the Interior. Its task is to analyse, discuss and report on proposals and actions of ministerial departments that have an impact on the treatment of foreigners, immigration and asylum, and to learn about the agreements adopted and the development of the actions undertaken within the European Union, as well as in other international bodies and to assess their impact and implementation in Spain . It is regulated by Royal Decree 1946/2000, of the 1st of December 2000 https://www.boe.es/buscar/act.php?id=BOE-A-2000-21828</p>
	EMN NCP Sweden	Yes	<p>1. Utlänningslagen - Aliens act</p> <p>2. Not applicable</p> <p>3. https://www.government.se/government-policy/migration-and-asylum/aliens-... The chapters are only available in Swedish. Innehåll: 1 kap. Lagens innehåll, vissa definitioner och allmänna bestämmelser 2 kap. Villkor för att en utlänning skall få resa in i samt vistas och arbeta i Sverige 3 kap. Visering 3 a kap. Uppehållsrätt för EES-medborgare m.fl. 3 b kap. Kompletterande bestämmelser till utträdesavtalet mellan Förenade kungariket och EU 4 kap. Flyktingar och andra skyddsbehövande 5 kap. Uppehållstillstånd 5 a kap. Ställning som varaktigt bosatt i Sverige 5 b kap. Uppehållstillstånd för forskning, studier inom högre utbildning, viss praktik, visst volontärarbete och au pair-</p>

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			<p>arbete</p> <p>6 kap. Arbetstillstånd</p> <p>6 a kap. EU-blåkort</p> <p>6 b kap. Tillstånd för företagsintern förflyttning, ICT</p> <p>6 c kap. Tillstånd för säsongarbete</p> <p>7 kap. Återkallelse av tillstånd</p> <p>8 kap. Avvisning och utvisning</p> <p>8 a kap. Utvisning på grund av brott</p> <p>9 kap. Kontroll- och tvångsåtgärder</p> <p>10 kap. Förvar och uppsikt avseende utläningar</p> <p>11 kap. Hur en utläning som hålls i förvar skall behandlas</p> <p>12 kap. Verkställighet av beslut om avvisning och utvisning</p> <p>13 kap. Handläggningen av ärenden hos förvaltningsmyndigheterna m.m.</p> <p>14 kap. Överklagande av en förvaltningsmyndighets beslut</p> <p>15 kap. Nöjdförklaring</p> <p>16 kap. Migrationsdomstolar och Migrationsöverdomstolen</p> <p>17 kap. Skyldighet att lämna uppgifter</p> <p>18 kap. Offentligt biträde</p> <p>19 kap. Kostnadsansvar</p> <p>20 kap. Bestämmelser om straff m.m.</p> <p>21 kap. Tillfälligt skydd</p> <p>22 kap.</p> <p>23 kap. Särskilda bemyndiganden</p> <p>Övergångsbestämmelser</p> <p>4. a) Utlänning - alien b) not applicable</p> <p>5. a) Migrationsverket - Swedish Migration Agency b) Migrationsverket - Swedish Migration Agency c) Migrationsdomstolen - Migration Court</p>
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			d) förvar - detention 6. No
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