



**EMN Ad-Hoc Query on Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of TCN for the purposes of EU Blue Card**

Requested by Adolfo SOMMARRIBAS on 16th July 2018

**Economic Migration**

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom (21 in total)

*Disclaimer:*

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

The Bureau for Border and Alien Police of the Presidium of Police Forces (BBAP PFP) in Slovakia is the responsible body for the implementation and transposition of the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Blue Card). As the directive was assessed to be ineffective in practice, a revision, currently at the level of JHA Advisors in Brussels, is taking place within the framework of dialogues with European Parliament and European Commission. BBAP PFP of which representatives regularly participated on the meetings of the IMEX Council working party on this topic has several standpoints that differ from those of other MS. These are related mainly to increasingly more lenient conditions of acquisition of Blue Card or to expanding the range of persons able to apply for this card. Due to this reason SR would like to get a more comprehensive information on the implementation of the directive in the MS and thus would like to ask the following questions:

### **Questions**

1. **What is the maximum duration of the issuing procedure of the Blue Card outlined by your national legislation? What is the actual length to reach the decision in the Blue Card issuing procedure in practice within the time limit mentioned above?**
2. **How many Blue Card applications from the total number were rejected in 2017 in your country? What were the**

most frequently invoked reasons for rejection of an application?

3. Which fields of highly qualified employment are the most common when issuing the Blue Card permits?
4. Has the possibility of proving higher professional qualifications by at least five years of professional experience of a level comparable to higher qualification education been transposed to your national legislation? If yes, how does the applicant for the Blue Card prove the professional experience or what kind of evidence is required by the Member State?
5. Do employers in your country prefer a highly qualified worker from a third country to work under the conditions as set by the Single Permit for residence and employment or the conditions set out when Blue Card is issued or under other conditions (national

permit  
for  
highly  
qualified  
workers,  
etc.)?

6. Are  
there  
any  
suggestions/concepts  
in  
your  
country  
regarding  
how  
will  
beneficiaries  
of  
international protection  
lacking  
personal  
documents  
provide evidence  
of  
higher  
qualification  
education  
or  
professional  
experience  
of a  
level

comparable  
to  
higher qualification education  
when  
applying  
for  
the Blue  
card  
and  
can  
you  
estimate  
the  
share  
of  
potentially  
successful  
applicants  
in  
this  
regard?

**Responses**

|   | Country | Wider Dissemination | Response |
|---|---------|---------------------|----------|
|  | Austria | No                  |          |

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|    | Belgium | No  |   |
|    | Croatia | Yes | <p><b>1.</b> Pursuant to Article 101 of the Law on General Administrative Procedure ("Official Gazette" No. 47/09), the official is obliged to decide and deliver the answer to the party without delay and no longer than 30 days. In exceptional cases where examination procedure shall be extended a decision shall be delivered to the foreigners no longer than 60 days from the date of receiving the request.</p> <p><b>2.</b> There have been only 2 rejected applications for temporary residence for the purpose of Blue Card in 2017. There are no data available about the reasons of rejected applications.</p> <p><b>3.</b> The largest number of EU Blue Cards were issued for work in health care, industry and IT.</p> <p><b>4.</b> Croatia has transposed the above-mentioned Directive, however the possibility of proving higher professional qualifications by at least five years of professional experience is not defined within the national legislation. For granting the EU Blue Card one must provide employment contract or other appropriate contract for the performance of highly qualified workers, in a time period of at least one year and diploma.</p> <p><b>5.</b> More EU Blue card were issued rather than residence and work permits according to the annual quota (for professions requiring high qualifications e.g. doctor of medicine, software engineer).</p> <p><b>6.</b> N/A</p> |
|  | Cyprus  | Yes | <p><b>1.</b> In Cyprus the quota for Blue Card has been set to zero by the legislation. Thus, Cyprus has answered only the questions related to the legislation in which the Directive has been transposed to. According to the legislation, the maximum duration is 90 days.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p> <p><b>4.</b> No, it has not been transposed in the national legislation.</p>  |

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|   |                |     | <p>5. N/A</p> <p>6. N/A</p>  |
|  | Czech Republic | Yes | <p>1. Maximum processing time given by the law is 90 days. The average processing time is 84 days.</p> <p>2. 27 out of 292 (9 %) assessed applications were rejected. 10 proceedings were terminated upon request of the applicant. Other applications were rejected mainly due to various procedural errors (e.g. an applicant was not entitled to apply for a Blue Card).</p> <p>3. Information and communication technologies and medical &amp; dental care</p> <p>4. No</p> <p>5. Czech employers prefer to employ highly qualified workers on the basis of single permits.</p> <p>6. Beneficiaries of international protection who want to have their tertiary education officially recognized in the Czech Republic but do not have verified original diplomas at their disposal and are allowed to submit affidavits instead.</p>   |
|  | Estonia        | Yes | <p>1. The application is reviewed and the decision on the issue or refusal to issue a temporary residence permit, including the Blue Card, is made within two months from the date of acceptance of the application or the date of elimination of deficiencies. In 2017, the average period to make a decision on the Blue Card was 43 working days.</p> <p>2. In 2017, 36 applications for Blue Card were submitted, out of which 32 Blue Cards were issued (16 first permits and 16 extended) and 4 applications were deemed non-reviewable. 0 applications were rejected.</p> <p>3. The main area of activity of the employer: Financial and insurance activities Information and communication Other service activities Health and social welfare Unmarked</p> <p>4. Yes, to apply for a Blue Card the applicant must have either higher education with the nominal study period</p> |

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|   |         |     | <p>of at least three years or at least five years of professional experience. Upon applying for a Blue Card the applicant must submit an assessment of a competent Estonian agency concerning recognition of the high education or documents certifying the applicants professional working experience of at least five years. The documents certifying the applicants professional working experience may be for example a certificate from the previous employer regarding the work experience.</p> <p><b>5.</b> All residence permits issued in Estonia comply as single permits. Estonia no longer issues working permits. Thus, also the Blue Card is issued as a single permit. Most applications for residence permit for employment are submitted under other bases than the Blue Card. In 2017, a total of 3066 applications for residence permit for employment were submitted, out of which 36 for Blue Card, 272 as top specialists, 166 as experts/consultants and 85 for working in a startup.</p> <p><b>6.</b> This is still being discussed.</p> |
|    | Finland | Yes | <p><b>1.</b> The maximum duration of the issuing procedure is 90 days according to the Aliens' Act. The average processing time was 36 days in 2017.</p> <p><b>2.</b> There were no rejections in 2017.</p> <p><b>3.</b> Information and communications technology professionals</p> <p><b>4.</b> No. Proof of a higher education degree and a stipulated salary level is required.</p> <p><b>5.</b> A residence permit for work as specialist (national category) is more popular, due to more favorable conditions.</p> <p><b>6.</b> Finland has no experience of this.</p>  |
|  | France  | Yes | <p><b>1.</b> In France, in 2016, the average processing time for first residence permit applications was 110 days (for the whole territory including overseas territories). There is no information regarding the processing time per category of residence permits. This information only applies to first residence permit applications processed by French authorities (excluding long-term visa applications). This average processing time of 110 days can</p>  |

be explained because of some residence permit applications whose processing time which cannot be reduced (for example when several services from different ministries verify the validity of the application or the compliance with some conditions (housing, financial means) before the issuance of the appropriate residence permit). Article R.313-50 of the French code for entry and stay of foreign nationals and asylum right (CESEDA) indicates that 90 days after filing a EU blue card application, the lack of decision from the French authorities implies a refusal decision (instead of 4 months for other residence permit applications).

**2.** We cannot provide you with reliable data regarding the rejected applications per category of residence permits since the Prefectures in charge of processing and issuing residence permits do not complete this information on a regular and stable basis in the IT system dedicated to residence permit applications.

**3.** See attached the information collected from Eurostat

**4.** Yes, French authorities in charge of processing EU blue card applications can accept all kind of document proving the applicant's qualifications and experience to occupy such position, such as: labour certificates from previous employers, resume, etc.

**5.** In parallel to the EU blue card, France implemented in 2016 a specific residence permit valid for up to 4 years which aims at developing France attractiveness for international talents such as highly qualified employees, but also entrepreneurs, startupers, investors, artist with an international reputation, scientists and graduates working for innovative companies.

**6.** Beneficiaries from international protection can be issued, depending on the type of protection granted, a residence permit valid for one or ten years which gives them direct access to work. Consequently they do not have to apply for a EU blue card and are not required to provide any evidence of higher education or professional experience. Regarding scientists and researchers, the PAUSE program (National program for the urgent aid and reception of scientists in exile), established on January 16, 2017, awards stimulus funding to higher education establishments and public research organizations who plan to host scientists at risk, and supports their activities. The PAUSE program is an ambitious national project initiated by the French state with support from civil society and economic stakeholders. Its mission is to facilitate the hosting of scientists from crisis zones for sufficiently long periods to enable them to integrate and to ensure continuity in their

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|   |         |     | research. (link: <a href="https://www.college-de-france.fr/site/en-program-pause/index.htm">https://www.college-de-france.fr/site/en-program-pause/index.htm</a> )   |
|  | Germany | Yes | <ol style="list-style-type: none"> <li>1. As the National Contact Point Blue Card EU or the Federal Office for Migration and Refugees are not the authority responsible for the issuance of residence permits in Germany (which are in fact the communal foreigners' registration offices), we can not tell how long the issuing procedure for the receipt of a Blue Card actually takes. Albeit, the authorities in Germany generally have to process or at least respond to applications within a time period of 3 months.</li> <li>2. The responsibility lies with local authorities.</li> <li>3. The responsibility lies with local authorities.</li> <li>4. This possibility has not been transposed into German law.</li> <li>5. No findings.</li> <li>6. No Information available.</li> </ol>   |
|  | Hungary | Yes | <ol style="list-style-type: none"> <li>1. The competent authority shall examine the application for EU Blue Card in a single application procedure, and the decision will be adopted within 70 days – in the case of “favored entrepreneurs” within 60 days - from the date of submission of the application. However, in most of the cases the decision was made much faster, between 14-30 days. The deadline basically depends on the process of the other consulting authorities (i.e. labor authority).</li> <li>2. There was no rejection until now, though we had less than 10 applications in the last two years.</li> <li>3. Telecommunication, marketing, product management.</li> <li>4. The higher education qualifications required for the job to which the prior agreement concluded with a view to entering into an employment relationship or the employment contract pertains may be verified by a certificate in proof of higher education or professional qualifications based on law. The national legislation does not have rules regarding five years of professional experience of a level comparable to higher</li> </ol> |

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|  |         |     | <p>qualification education.</p> <p><b>5.</b> The number of Blue Card application is low (there were ten applications in the last two years), the residence permit for the purpose of employment is much more popular in Hungary.</p> <p><b>6.</b> A person, who has applied for asylum, or who has been recognized as a refugee, a beneficiary of a temporary or subsidiary protection cannot be granted a Blue Card in Hungary.</p>  |
|   | Ireland | Yes | <p><b>1.</b> Ireland does not participate in the Blue Card Directive.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> n/a</p> <p><b>4.</b> n/a</p> <p><b>5.</b> n/a</p> <p><b>6.</b> n/a</p>  |
|  | Italy   | Yes | <p><b>1.</b> According to art.22 of Law n.286/98, Consolidated Law on Immigration, the Migration desk set up in Prefectures carries out the procedures for the issue of any type of work permits. Employers who intend to hire a third-country highly qualified worker have to submit to the Migration desk of the province in which the firm is located, or where the provision of work will take place, the following documents: a) request a personal certificate of nihil obstat to work; b) documentation that certifies the provision of an appropriate accommodation; c) the residence contract proposal; d) declaration of commitment to communicate any change concerning the employment relationship. Having consulted the Police Chief, the Migration desk releases the nihil obstat certificate, or communicates the rejection to the employer, within the maximum period of 90 days from the submission of the request, as stated in art.27 of Consolidated Law on Immigration. The nihil obstat certificate is valid for 180 days from the date of issue, the deadline within which the worker has to request the entry visa at the Italian Consular Representation of his/her country of origin. On arrival in Italy, the worker has to sign the residence contract at the Migration Desk and he/she has to submit the application for an EU</p> |

Blue Card to the Police Headquarter of the place of residence, within 8 working days. If the foreign worker is already legally residing in another European Union country or in Italy, once obtained the authorization, he/she can directly request the EU Blue Card to the Police Headquarters of the place of residence. In 2015 Italy established a Memorandum of Understanding with the national Chamber of Commerce and Employers national association (Confindustria) and other corporate associations to facilitate entry procedures for highly qualified third-country workers. As established in the joint Ministerial Circular n.2740/2015, the Ministries of Interior and of Labor and Social Policies simplified the procedures stipulated in art.27 quarter par.8 of the Consolidated Law on Immigration, providing for the possibility of replacing the request of the nihil obstat certificate with a communication to the Migration desk by the employers who signed the Memorandum of Understanding. In specific terms, the employer has to register the foreign worker on the platform for the application submission. The information will be sent to the Prefecture of the province for proper ascertainments. After registering the foreign worker, the employer has to send to the local office of Confindustria the request to access the information system of the Migration desk to communicate the contract proposal.

2. n/a

3. n/a

4. To pursue a regulated profession, TCNs have to hold a degree or professional qualification valid in Italy. Third country workers who have obtained qualifications in another Country have to activate a formal recognition process. The formal recognition process is based on a comparative logic: the title or professional accomplished abroad are compared with analogous Italian qualifications and the competent bodies establish similarities and differences. If it is not possible to match qualifications or diplomas with the Italian ones, competent bodies assign compensatory measures to bridge any differences between the two paths. The recognition process starts with the submission of the request to the office in charge of the competent Ministry (i.e. for the recognition of medical professions the reference office is at the General Directorate for Health Professions and Human Resources of the National Health Service of the Ministry of Health). Non EU citizens are asked to submit the following documents: 1) Educational qualification officially issued by the training institution attended, together with a list of the subjects studied, and a Declaration of Value specifying the criteria for access to the profession in the country of origin. The declaration of value is an official document, written in Italian, which briefly describes the course of study. This document is exclusively for information

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|   |        |     | <p>purposes and therefore does not in itself constitute any form of recognition of the title. For the recognition of professional qualifications, the Declaration of Value should contain information on the type of professional qualification. 2) Any relevant documents proving the professional experience acquired; 3) A certified copy of permission to pursue the regulated profession in the country of origin issued by the competent local authorities; 4) The official Italian translation of all documents provided in the original language. After the preliminary phase, the request is submitted to the Conference of Services, the body in charge of the recognition of qualifications and professional qualifications. The decision is reported to the applicant within 4 months. If similar cases have been examined in the past, the Ministries can proceed to the evaluation by analogy, without involving the Conference of Services.</p> <p><b>5.</b> n/a</p> <p><b>6.</b> The art. 27 of the European Directive 2004/83 / EC establishes that the Member States must guarantee equal treatment between beneficiaries of refugee status or subsidiary protection and their citizens in the framework of the current procedures for the recognition of diplomas, certificates and other foreign qualifications .This provision was confirmed by the subsequent Directive 2011/95 / EU in art. 28. The requirements were transposed in the national legislation with the Law n.251/2007 on the Implementation of Directive 2004/83 / EC laying down minimum rules on the assignment, to third-country nationals or stateless persons, of the status of refugees or persons otherwise in need of international protection, as well as minimum standards on the content of recognized protection. The legislative decree 18/2014 amended the article 26 introducing the paragraph 3 bis which establishes that competent administrations shall identify appropriate assessment, validation and accreditation methods in order to allow the recognition of qualifications, even in the absence of certification by the State in which the certificate was obtained, if the interested demonstrates that he/she can not acquire such certification.</p> |
|  | Latvia | Yes | <p><b>1.</b> The ordinary procedure takes 10 working days. If not all documents were submitted or it is necessary to check some additional information, it is possible to extend the deadline but these are very rare cases. Usually the decision is taken within 10 or 5 working days (5 working days - accelerated procedure).</p> <p><b>2.</b> Number of rejections is not available. Not many permits are rejected, less than 5 per year. In the most cases the rejection is due to the fact that the education obtained does not correspond to the field of activity for which</p>   |

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|   |           |     | <p>the BC is requested.</p> <p><b>3.</b> The most common - information technologies, then - business and administration professionals.</p> <p><b>4.</b> The Immigration Law provides such possibility however there should be a bylaw stipulating the procedure which has not been adopted yet. So, in practice only diploma can be considered as a ground for granting the EU Blue Card.</p> <p><b>5.</b> Most permits are issued under the single permit conditions. The Blue Card is not very often required due to the difficulties to prove education and due to the fact that employers are not willing to meet the salary criteria.</p> <p><b>6.</b> Latvia does not have any Blue Card applicant - beneficiary of international protection yet. The Immigration Law does not allow any exceptions from the ordinary procedure, so, if the documents cannot be provided, the BC will not be issued.</p>   |
|  | Lithuania | Yes | <p><b>1.</b> The application has to be reviewed and a decision has to be reached in no longer than 2 months from the submission date. There are exceptional cases when a decision has to be made in no longer than 1 month (conditions for these cases mentioned below): a. The employer has formally agreed to hire the applicant under an employment agreement for a period that is no shorter than a year to do work that requires high professional qualification and has been listed on the shortage occupations list. Additionally, the employer has agreed to pay a monthly salary that is at least 1.5 times the amount of the average salary of the latest quarter as reported by the Lithuanian Department of Statistics; b. The employer has formally agreed to hire the applicant under an employment agreement for a period no shorter than a year to do work that is not included on the shortage occupations list, yet is willing to pay the person a monthly salary that is at least 3 times the amount of the average earnings of the latest quarter as reported by the Lithuanian Department of Statistics. In practice, applications are usually reviewed twice faster than the maximum time limit.</p> <p><b>2.</b> In 2017, 238 decisions regarding Blue Card applications were adopted, 3 out of which were negative (1,3% share from the total number).</p> <p><b>3.</b> Foreigners were usually hired to work as programmers, aviation engineers, aviation technicians, production</p> |

engineers, sewing technologists.

**4. Yes.** If a person has 5 years of professional experience, then the future employer must apply to the Ministry of Economy of the Republic of Lithuania regarding the acknowledgement of his/hers professional experience in accordance with the procedure of the Acknowledgement of vocational experience as equal to high education qualifications and the issue of an appropriate document, approved by the Resolution No. 211 of 22 March 2017 of the Government of the Republic of Lithuania (link in Lithuanian: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/0176015112b911e7b6c9f69dc4ecf19f?positionInSearchResults=0&searchModelUUID=20644376-f261-4dcc-84f0-e252cb9c2342>). Find non-official translation of the required documentation below. The necessary documents include: 1. Should the applicant have gained professional experience abroad whilst working under an employment contract, documents include: a) contract(s) of employment; b) other type of relevant documents issued by the employer that prove the applicant's gained competences, note his/hers work tasks' specifics and the period of employment; c) any relevant documents issued by responsible foreign institutions ( which could prove that the employer that issued the employment contract was working legally during the period when the contract was active; that could ascertain that taxes were paid by the employer for the employee under the conditions noted in the employment contract (specific numbers do not have to be provided); or any relevant documents issued by responsible foreign institutions that could prove that the applicant paid taxes himself/herself under the conditions noted in the employment contract and the period when the applicant did so (i.e. relevant documents issued by institutions responsible for tax administration, social security or peoples registers) or was legally allowed no to do so. d) other relevant documents, should there be any, that could prove relevant competences of the applicant. 2. Should the applicant have gained professional experience whilst working independently, documents include: a) any relevant documents issued by responsible foreign institutions that could prove that the applicant was carrying out his professional tasks legally and independently during the period noted by the applicant himself/herself (i.e. relevant documents issued by institutions responsible for tax administration; relevant documents issued by institutions responsible for issuing employment under individual performance certificates) b) contracts for provided services and/or other documents which prove gained professional experience in addition to the period of work when the services were being provided; c) any relevant documents issued by responsible foreign institutions that could ascertain that taxes were paid by deducting them from the income gained: 1. whilst doing work noted in employment under individual performance certificate, 2. under the conditions noted in the contract for services, or 3. why the applicant was legally allowed not to pay the taxes whilst working independently (specific numbers do not have to be provided) d) other relevant documents, should

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|   |            |     | <p>there be any, that could prove relevant competences of the applicant.</p> <p><b>5.</b> Employers in Lithuania prefer a highly qualified worker from a third country to work under the conditions as set by the Single Permit for residence and employment.</p> <p><b>6.</b> The responsible institution – Center for Quality Assessment in Higher Education (SKVC) - has arranged a procedure for those wishing to receive recognition of their academic qualifications in order to apply for the EU Blue Card even if persons do not have all the necessary documentation. This procedure is used not only for asylum seekers, but also for those persons who do not possess all the necessary documents. If persons do not have a full documentation package, they have to carry out the following steps: 1. fill in the application form with the information available; 2. provide any indirect documentation if it is available (such as information on professional licensing, any documents issued by the school, etc.); 3. provide an explanation as to why the documents cannot be provided. SKVC has the responsibility to review the case within 20 office days. If the application package is incomplete and/or additional information is required, SKVC contact the applicant via email. The processing of the application is suspended, until the required documentation and/or information is provided. As for the specific cases, not a single one was registered in 2017 nor in 2018 (as of August, 2018). More information can be found on Center for Quality Assessment in Higher Education website: <a href="http://www.skvc.lt/en">http://www.skvc.lt/en</a> and <a href="http://www.skvc.lt/default/en/60/recognition_lithuania">http://www.skvc.lt/default/en/60/recognition_lithuania</a></p> |
|  | Luxembourg | Yes | <p><b>1.</b> In accordance with article 50bis of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) the deadline for issuing the European Blue Card is 90 days after the application is considered completed. The average time for granting a European Blue Card is a month after the application is completed.</p> <p><b>2.</b> The number of rejected applications in 2017 was: 0 A main reason for rejecting the applications is for example when the salary threshold cannot be reached</p> <p><b>3.</b> The most common fields of employment for Blue Card purposes are IT sector, finance sector, e-commerce.</p> <p><b>4.</b> Yes. Article 45 (1) of the Immigration Law states: “Authorisation to stay for the purposes of engaging in highly skilled employment shall be granted by the Minister to a third-country national who fulfils the conditions laid down in Article 34(1) and (2) and who: 1. presents a valid work contract for highly skilled</p>   |

employment, as defined in paragraph 2, for a period equal to or greater than one year; 2. presents a document attesting that he/she possesses the relevant higher professional qualifications in the occupation or sector mentioned in the work contract, or fulfils the requisite conditions for the exercise of the regulated profession specified in the work contract; 3. is paid a remuneration at least equal to an amount to be fixed by Grand-Ducal regulation. Article 45(2): For the purposes of this Article: (a) “highly qualified employment” means the employment of a worker carrying on a salaried activity for which he/she possesses the appropriate and specific skills required, such skills being attested by higher professional qualifications which are either evidenced by a higher-education qualification or backed up by at least five years' professional experience at a level comparable to a higher-education diploma, and which are relevant in the profession or sector specified in the work contract; (b) “higher-education qualification” means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognised as a higher-education institution by the State in which it is situated, of a duration of at least three years; (c) “professional experience” means the actual and lawful pursuit of the profession concerned; (d) “regulated profession” means a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions, to the possession of specific professional qualifications in accordance with point (a) of Article 3(1) of Directive 2005/36/EC on the recognition of professional qualifications. [...] As for experience in case the applicant does not have the diplomas mentioned above the applicant must prove having: • at least 10 years practical professional experience (if a certificate exists for the required qualification); or • at least 6 years practical experience in a trade requiring a certain technical capacity and for which no official certificate is issued for the training.

**5.** The Luxembourg labour market is an employer-driven market and is mainly focused in cross-border workers (BE, DE and FR). However, when the employers do not find a specific profile in the Greater Region they decide which qualifications the employee must fulfil. In case of a highly skilled worker an employer will prefer to use the EU Blue Card procedure because it is more expedite than the other procedures.

**6.** Article 45 (3) b) of the Immigration Law expressly excludes beneficiaries of international protection (BIP) for applying for the EU Blue Card. Article 59 (1) of the law of 18 December 2015 on international protection and temporary protection (Asylum Law) states that beneficiaries of international protection are authorized to exercise a remunerated activity in any sector except the public sector since the moment the status is granted.

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|   |             |     | <p>However, article 60 (3) of the Asylum Law establishes that the Luxembourgish State guarantees equal treatment for beneficiaries of international protection and Luxembourgish national in the framework of procedures for the recognition of diplomas, certificates and any other diploma of a formal qualification and article 60 (4) guarantees full access to appropriate evaluation, validation and accreditation systems of qualifications to BIP who are unable to produce documentary evidence of their qualifications.</p>  |
|    | Malta       | Yes | <p>1. A decision shall be taken by not later than 90 days from when the application was lodged. Actual length 45 to 60 days.</p> <p>2. No applications were refused.</p> <p>3. Health care fields.</p> <p>4. "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or, by way of derogation, when provided for by national law, attested by at least ten years of professional experience of a level comparable to higher education qualifications to be recognised by the relevant national competent authority as mentioned in the Schedule, (the schedule may be found at page 15 at <a href="http://justiceservices.gov.mt/DownloadDocument.aspx?app=lo&amp;itemid=11773&amp;l=1">http://justiceservices.gov.mt/DownloadDocument.aspx?app=lo&amp;itemid=11773&amp;l=1</a>) and which is relevant in the profession or sector specified in the work contract or binding job offer If yes, how does the applicant for the Blue Card prove the professional experience or what kind of evidence is required by the Member State? Previous reply refers Previous reply refers</p> <p>5. From data regarding the issue of permits of highly qualified workers, it results that the number of such permits is indeed very small as compared with permits issued for such highly workers under the Single Permit procedure and the national scheme.</p> <p>6. Beneficiaries of international protection are out of scope regarding the provisions concerning the Blue card regulations.</p> |
|  | Netherlands | Yes | <p>1. From the date the application is submitted the Dutch Immigration and Naturalisation Service (IND), who handles the application, is allowed a maximum of 90 days in order to reach a decision.</p>  |

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|   |        |     | <p><b>2.</b> In 2017 there were no rejections for applications for the purpose of residence being ‘residence as holder of a European Blue Card’. We are not able to extract the reasons for rejection as such from our database.</p> <p><b>3.</b> This information is not available.</p> <p><b>4.</b> No, this has not been transposed to Dutch national legislation. A diploma must be submitted, showing that the employee has completed a higher education degree program with a duration of at least 3 years.</p> <p><b>5.</b> The target groups in NL are students, highly skilled migrants, investors and entrepreneurs. For each of these groups specific attractive schemes are in place, which can be found on the IND website <a href="https://ind.nl/en">https://ind.nl/en</a>. NL supports an effective, simple and flexible scheme for admitting highly skilled workers. The Dutch national scheme for the highly skilled has proven to be very successful. Essential elements in the Dutch scheme that differ from the Blue Card: a salary threshold for highly skilled workers &gt; 30 years and &lt; 30 years (lower), no educational condition, longer possible period of validity, based on a system of ‘recognised sponsors’, which allows for fast-track decision making and less evidence to submit.</p> <p><b>6.</b> Not applicable.</p> |
|  | Poland | Yes | <p><b>1.</b> According to the general principles set out in the The code of Administrative Proceedings - the average time of proceedings was 133 days in 2017.</p> <p><b>2.</b> 11 negative decisions - no connection with the reason for refusal</p> <p><b>3.</b> The office for foreigners in Poland does not have any information on the areas in which foreigners applying for the EU Blue Card most often perform their work. At the moment, according to the office - there is no adequate reports/data.</p> <p><b>4.</b> This possibility has been transposed into Polish legislation. According to art. 3 point 25) of the Act of 12 December 2013 on foreigners (Journal of Laws of 2017, item 2206, as amended), higher professional qualifications are obtained as a result of higher education or at least five years professional experience at the level comparable to the level of qualifications obtained as a result of higher education necessary to perform work specified in the contract or offer of employment constituting an offer to conclude a contract within the</p>   |

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|  |                 |     | <p>meaning of the Act of 23 April 1964 - Civil Code (Journal of Laws 2017, items 459, 933 and 1132). Five years of professional experience at the level comparable to the level of qualifications obtained as a result of higher education should be demonstrated on the general principles of evidence proceedings in administrative proceedings. The proves of fulfilling the abovementioned conditions may be, for example: employment contracts, work certificates, certificates of professional activity, contracts with clients, etc. The assessment of fulfillment of this condition in a given case takes place in relation to a given position.</p> <p><b>5.</b> From year to year there is an increase visible in interest in BC type approvals. Here you can see some statistics proving the growing numbers: 2013- 16; 2014- 81; 2015-716; 2016-1397; 2017-1060.</p> <p><b>6.</b> No. The Office for Foreigners states that it has not been considered yet how to implement the new EU Blue Card Directive in the future, which project is underway at the EU level, including the scope of the new directive of beneficiaries of international protection, as well as the possible number / scale of potential applications of such persons with the EU Blue Card that could be positively settled.</p> |
|  | Slovak Republic | Yes | <p><b>1.</b> The maximum length of the issuing procedure of the Blue Card in the SR is 30 days from the day the application for issuing the Blue Card was delivered. In case there are no circumstances hindering the earlier issuance, the issuing procedure of the Blue Card is usually shorter than 30 days.</p> <p><b>2.</b> In the Slovak Republic only one application for temporary residence for the purpose of Blue Card was rejected and 25 were issued in the period of 1.7.2011-27.6.2018.</p> <p><b>3.</b> In the SR the most common fields of employment for Blue Card purposes are IT and healthcare sector.</p> <p><b>4.</b> SR have not transposed this article into its national legislation.</p> <p><b>5.</b> Statistically, employers in the SR prefer to accept the highly-qualified employees under the condition set by the Single permit for residence and employment.</p> <p><b>6.</b> N/A</p>  |

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|  | Sweden | Yes | <p><b>1.</b> A decision on an application for a Blue Card is always taken within 90 days. As the number of people applying for a Blue Card in Sweden has been rather low so far, it is difficult to provide reliable information about the actual length of procedures. Most labour migrants still apply for a residence permit under the general Swedish system for labour immigration. However, in 2017, the Swedish Migration Agency made 39 decisions on Blue Card applications (excluding family members of Blue Card applicants), and the average processing time (including all stages of the procedure) was 55 days.</p> <p><b>2.</b> Out of 39 applications that were decided in 2017, 10 were rejected. Information about the reasons for rejections is not available.</p> <p><b>3.</b> The number of Blue Cards issued by Sweden is still relatively low, and in most cases, the exact occupation of Blue Card applicants is not statistically registered. Among all labour migrants coming to Sweden to work in highly qualified employment, information technology and engineering professions are the most frequent.</p> <p><b>4.</b> Yes, to be granted a Blue Card, applicants must have completed a university education equivalent to 180 university credits, or five years' relevant professional experience. To provide evidence of sufficient professional experience, applicants must present employment certificates/statements from previous, relevant employment.</p> <p><b>5.</b> No information is available on employers' preferences. But most labour migrants, including highly skilled migrants, are still coming to Sweden under the pre-existing national framework for labour immigration.</p> <p><b>6.</b> No systematic information is available in this regard. Beneficiaries of international protection are allowed to work. If they have a temporary residence permit and can demonstrate that they are able to support themselves through income from employment or self-employment, they can receive a permanent residence permit. The validation / recognition of qualifications and work abroad is of course an important aspect but requirements and procedures for validation / recognition of such qualifications / experiences vary between the various professions. The Swedish Public Employment Service assists beneficiaries of protection to have their professional skills assessed and recognised. However, this is not related to the conditions for receiving a Blue Card specifically.</p> |
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|  | United Kingdom | Yes | <p><b>1.</b> The United Kingdom is not taking part in the adoption of this Directive and are not bound by or subject to its application.</p> <p><b>2.</b> The United Kingdom is not taking part in the adoption of this Directive and are not bound by or subject to its application.</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p> <p><b>5.</b> N/A</p> <p><b>6.</b> N/A</p> <p><b>7.</b> N/A</p> <p><b>8.</b> N/A</p> <p><b>9.</b> N/A</p> <p><b>10.</b> N/A</p> <p><b>11.</b> N/A</p> <p><b>12.</b> N/A</p> |
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