



Ad-Hoc Query on parallel legal statuses of residence in other Member States

Requested by CZ EMN NCP on 10th May 2010

Compilation produced on 9th July 2010

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom (18 in Total)

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1. Background Information

The Czech Republic has recorded cases of third country nationals who have permanent residence or status of long-term resident in one Member State and apply for permanent residence under the national scheme in the Czech Republic. Not only a third national may have the same status in two Member States at the same time but he/she may also be at once a long-term resident in one Member State and a resident in other member state as family member of a citizen of the EU. Therefore we would like to know how do the Member States proceed under these conditions.

It would be very much appreciated if we could receive your answers by the **10th of June 2010**.

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2. Responses

		Wider Dissemination?	<p>1. The Czech Republic would like to raise question on how you deal with following situations:</p> <p>A. A third country national <u>applies for</u> permanent residence (under national scheme) in your country and it comes out that this person has permanent residence permit (under national scheme) in another Member State.</p> <p>B. A third country national <u>applies for</u> permanent residence permit in your country as a family member of a citizen of your country and it comes out that this person holds EC long-term resident status in another Member State.</p> <p>C. A third country national <u>is a holder of</u> permanent residence permit in your country (under national rules) and it comes out that this person has permanent residence permit in another Member State.</p> <p>D. A third country national <u>is a holder of</u> permanent residence permit in your country (under national rules) and it comes out that this person EC long-term resident status in another Member State.</p> <p>2. If the existence of a permanent residence status/EC long-term resident status in other Member State does allow granting a permanent residence in your country, do you think it is in accordance with EU directives (2003/109/EC, 2004/38/EC)?</p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>In Belgium it is possible to request and obtain a permanent resident status, even if the person in question is already having a resident status in another Member State (for example an EC long-term resident status). In principle this person shall loose his status in the other member state after a certain amount of time. (The EC long-term resident status shall not be as easily lost as a common national permanent resident status.)</p> <p>In the case that a person has the EC-long term resident status in a member state and this same EC-long term status is obtained in another member state, the person shall loose the EC long-term resident status in the first member state. The first member state must be informed that the person in question has obtained the status in an other EU-country.</p> <p>It is indeed not intended that persons have multiple permanent residence statuses in several member states.</p>
	Czech Republic	Yes	<p>1) In the Czech Republic, the existence of a permanent residence status/EC long-term resident status in another Member State does not prevent granting a permanent residence (under national scheme).</p> <p>2) The Czech Republic considers the simultaneous application in accordance with the EU directives, but we are not sure if this approach is right. We think that duplicity of statuses should be avoided (several permanent residence permits under national schemes; a permanent residence in one Member State and this person has also EC long-term resident status in another Member State etc.)</p>
	Estonia	Yes	1. The existence of a long-term resident status in another Member State does not prevent granting a permanent residence (under national

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			<p>scheme) but applicant will be informed that he can't hold more than one long-term resident status in EU. If it comes out that person is holding the long-term resident status also in another MS than one long-term resident status should be canceled.</p> <p>2. For our opinion the holding of long-term resident status in one MS and temporary residence status in another MS is in accordance with the EU directives, but not holding more than one long-term resident status.</p>
+	Finland	Yes	<p>1. The Czech Republic would like to raise question on how you deal with following situations:</p> <p>A. A third country national <u>applies for</u> permanent residence (under national scheme) in your country and it comes out that this person has permanent residence permit (under national scheme) in another Member State.</p> <p>If the grounds for permanent residence permit set in the Aliens Act are met, the person may be granted permanent residence permit in Finland despite the fact that the person already has permanent residence permit in another EU MS.</p> <p>B. A third country national <u>applies for</u> permanent residence permit in your country as a family member of a citizen of your country and it comes out that this person holds EC long-term resident status in another Member State.</p> <p>If the grounds for permanent residence permit set in the Aliens Act are met, the person may be granted permanent residence permit in Finland despite the fact that the person already has EC long-term resident status in another EU MS.</p> <p>C. A third country national <u>is a holder of</u> permanent residence permit in your country (under national rules) and it comes out that this person has permanent residence permit in another Member State.</p> <p>If the residence was granted by another MS after he or she was granted residence permit in Finland, the Finnish residence permit will be cancelled. The person is considered to reside permanently in another country than Finland, if he or she is granted permanent or a fixed term residence permit in another MS.</p> <p>D. A third country national <u>is a holder of</u> permanent residence permit in your country (under national rules) and it comes out that this person EC long-term resident status in another Member State.</p> <p>If the residence permit was granted by another MS after the residence permit granted in Finland, the Finnish residence permit will be cancelled. The person is considered to reside permanently in another country than Finland if he or she is granted permanent or a fixed term residence permit in another MS</p>

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			<p>2. If the existence of a permanent residence status/EC long-term resident status in other Member State does allow granting a permanent residence in your country, do you think it is in accordance with EU directives (2003/109/EC, 2004/38/EC)?</p> <p>Yes, according to our view this is within the Directive's sphere. According to the Directive, a third country national may only have one country of permanent residence. If he or she is granted permanent status in another MS, the first status of permanent residence should be cancelled.</p> <p>It should be noticed, that EU MS may regulate and decide upon the cancellation of national residence permit statutes in case a third country national is granted permanent residence permit in another MS.</p> <p>If a third country national is granted EC long-term resident status, cancellation of the same status in another MS is regulated in the Directive mentioned above.</p>
	Germany	Yes	<p>1. If a third country national were to exercise his right to freedom of movement as a family member of a European Union citizen or should he/she hold a permanent national residence permit issued by another Member State or should he/she hold an EC long-term residence permit issued by another Member State, this does not oppose the granting of a settlement permit in accordance with German Law.</p> <p>2. Should such a case arise, any simultaneous granting of a settlement permit is compatible with the respective EU Directives (2003/109/EG, 2004/38/EG), too. Permission of permanent residence, issued according to German Law, awards the alien of third party an unlimited right of residence for Germany only and gives he/she the right to reside in other Member States only in accordance with Article 5 of the Schengen Borders Code (EU Regulation No. 562/2006).</p>
	Greece	Yes	<p>1) According to our national legislation the only type of residence permit which provides a permanent status to TCNs (except from long-term residents or family members of EU/ Greek citizens) is the ten –year residence permit. This permit can be granted after ten years of legal residence in the country and the applicants must have completed the 21st year of age. Since the applicant fulfills the above mentioned preconditions, it means that he/she has entered the country under the legal national procedures and has stayed in Greece legally and we do not deal with the fact that he/she might once had a permanent residence permit in another m-s. In addition, if someone holds any kind of residence permit under the national scheme of another m-s and wants to stay in Greece over three months (for one of the reason of the migratory legislation), he/she is allowed to if he/she follows the national procedures. In case that, TCNs are holders of long-term residence permit in another m-s, they can enter Greece and apply for a residence permit (for exercising a paid or independent activity, for studies or for vocational training) and after five years of legal stay they can apply for acquiring the status of long term resident if they fulfill the necessary preconditions under the Directive 2003/109/EC.</p> <p>2) We do not consider the fact that TCNs who are holders of national permanent residence status in another m-s preventive so as not to be</p>

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			granted our national permanent residence status since they fulfill the necessary preconditions. In addition, the Directive 2003/109/EC provides for the procedure followed when someone has a long-term residence permit in one m-s and wants to acquire the same status or apply for a residence permit to another.
	Hungary	Yes	<p>A.) In this case Section 13. and 35. §. of the Act II. of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter referred to as: New Aliens Act) apply.</p> <p>Section 13 prescribes the general rules necessary to fulfill when entering into the territory of Hungary and staying in the territory of the of Hungary for a period of longer than three months. Section 35 prescribes the conditions to be fulfilled for giving a permanent residence permit under national rules (national permanent residence permit under Hungarian law). National permanent residence permit can be issued - with the exception set out in Subsection (4) - to third-country nationals holding a residence permit or an interim permanent residence permit for establishing residence in the territory of the Republic of Hungary, if:</p> <ul style="list-style-type: none"> a) having lawfully resided in the territory of the Republic of Hungary continuously for at least the preceding three years before the application was submitted; b) a family member of dependent direct relatives in the ascending line - other than the spouse - of a third-country national with immigrant or permanent resident status or who has been granted asylum, and living in the same household for at least the preceding one year before the application was submitted; c) the spouse of a third-country national with immigrant or permanent resident status or who has been granted asylum, provided that the marriage was contracted at least two years before the application was submitted; d) the applicant was formerly a Hungarian citizen and whose citizenship was terminated, or whose ascendant is or was a Hungarian citizen. <p>(2) Temporary absence from the territory of the Republic of Hungary of less than four consecutive months shall not be deemed as discontinuity of residence, if the combined duration of absence does not exceed two hundred and seventy days during the preceding three years before the application was submitted.</p> <p>(3) The immigration authority may authorize a third-country national to establish permanent residence in the territory of the Republic of Hungary in the event if any discontinuity of residence for a period longer than that described in Subsection (2), if residence was discontinued for a substantial reason, such as medical treatment of foreign assignment of the third-country national in connection with his/her gainful employment.</p> <p>(4) The third-country nationals recognized by the refugee authority as refugees may apply for a national permanent residence permit in the absence of a long-term visa or residence permit.</p> <p>The fact that the applicant concerned has permanent residence permit under national scheme in another MS does not affect the decision of the Hungarian authority.</p> <p>B.) In this case Section 7 paragraph (1) and Section 16 paragraph 1 point b and paragraph 2 of the Act I of 2007 on the Admission and Residence of Persons having the Right of Free Movement and Residence (hereinafter referred to as: Free Movement Act) apply</p> <p>Section 7:</p> <p>(1)The family members of any Hungarian citizen who is engaged in <i>gainful employment</i> shall have the right of residence for a period of longer than three months.</p>

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		<p>(2) The right of residence for a period of longer than three months shall extend to the family members of a Hungarian citizen if:</p> <ul style="list-style-type: none"> a) they have <i>sufficient resources</i> for themselves or the Hungarian citizen has sufficient resources for such family members not to become a burden on the social assistance system of the Republic of Hungary during their period of residence; and b) they have <i>comprehensive sickness insurance cover for health-care services</i> as prescribed in specific other legislation, or if they assure that they have sufficient resources for themselves and their family members for such services as required by statutory provisions. <p>Section 16:</p> <ul style="list-style-type: none"> (1) Permanent residence status shall be granted to: <ul style="list-style-type: none"> b) family members who have resided legally and continuously within the territory of the Republic of Hungary for five years; (2) Permanent residence status shall be granted to: <ul style="list-style-type: none"> a) the family members of Hungarian citizens - except the spouse - who have resided continuously within the territory of the Republic of Hungary in the household of a Hungarian citizen for a period of at least one year; b) the spouse of a Hungarian citizen if their marriage was contracted at least two years prior to the date when the application was submitted and they share the same household since. <p>Persons having the right of residence for a period of longer than three months are given a residence card while persons having the right of permanent residence are given a permanent residence card. All in all, these people's EC long-term resident status is not touched upon by the Hungarian authorities, so in these cases these people retain their EC long-term resident status in another MS.</p> <p>C) If a person is a holder of a national permanent residence permit under Hungarian law (see detailed in point A) and later on it comes out that this person has permanent residence permit in another MS, Section 37 paragraph 1 point c of the New Aliens Act may be applied which prescribes that the immigration authority may withdraw a national permanent residence permit or immigration permit if the third-country national has departed from the territory of the Republic of Hungary and remained absent for a period of over six months.</p> <p>D) According to Section 110 of the New Aliens Act residence permits, immigration permits and permanent resident permits issued before the entering into force of the new Act shall constitute the right of stay contained therein within their period of validity. According to the New Aliens Act national permanent residence permit can be issued (see detailed in point A).</p> <ul style="list-style-type: none"> a) If the person concerned can prove that he/she is accompanying or joining his/her EU family member to Hungary then the Free Movement Act applies applied if it comes out that the person concerned has EC long-term resident status in another MS: Section 88 paragraph 4: This section prescribes that <u>at the request</u> of an EEA national or his/her family members holding a permanent residence permit or an immigration permit <u>a permanent residence card</u> shall be issued irrespective of whether or not the relevant requirements are satisfied. In this case according to Section 106 paragraph of the implementing Government Decree of the New Aliens Act the immigration permit, permanent residence permit and national permanent residence permit is not valid any more. These people's EC long-term resident status is not touched upon by the Hungarian authorities, so in these cases these people retain their EC long-term resident status in another MS. b) If the person concerned does not have the right to free movement in Hungary (because she/he can not prove that he/she is accompanying or joining his/her EU family member to Hungary) then the New Aliens Act applies. In this case national permanent
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			<p>residence permit will be considered as valid. It does not affect the validity of his/her EC long-term resident status in another MS.</p> <p>2. HU considers that the duplicity of statuses is in line with the mentioned directives.</p>
	Latvia	Yes	<p>A. There are not any norms in Latvian Immigration Law, openly prohibiting issuance of a permanent residence permit in the case if a person has a valid permanent (or temporary) residence permit in other country. However, in Latvia a person can apply for a permanent residence permit ONLY in case if s/he has resided permanently (without an interruption) in Latvia for 5 years. If during an examination of permanent residence permit application Office of Citizenship and Migration Affairs would establish a fact that this person has a residence permit in other country, the most possible outcome would be denial of a permanent residence permit in Latvia.</p> <p>B. Latvia treats family members of own nationals not according to Directive 2004/38, but according to national legislation. In case if a family member of citizen of Latvia would apply for a permanent residence permit, it means that s/he has been residing in Latvia already for 5 years. If the status of EC long-term resident in other country has been obtained 5 years ago, we would issue either EC long-term resident permit or national permanent residence permit (according to the application of person). If EC long-term resident status in other country would be obtained less than 5 years ago, then, probably there would be refusal of national permanent residence permit (reason of refusal – person has not resided in Latvia 5 consecutive years).</p> <p>C.& D. Fact that Latvian permanent resident has obtained a permanent residence permit or EC long-term resident status in other country does not impact his/her residence permit in Latvia unless this person does stay outside of Latvia more than 12 consecutive months or fails to fulfil the requirement of registration every 5 years.</p> <p>2. We would issue a permanent residence permit to EC long-term resident of other country if he has stayed in Latvia for 5 consecutive years. We would probably inform that respective country on this fact but if this person has decided to reside in Latvia, we think that this right cannot be denied only due to the fact that he is EC long-term resident in other country.</p>
	Lithuania	Yes	<p>1. Lithuania follows the principle that an alien can have only one Lithuanian document allowing her/him to stay or reside in Lithuania. However, we do not (and could not) extend this principle to the documents of other EU Member States.</p> <p>A. We grant the person a permanent residence permit, if the person meets all the national requirements. If this person is a long-term resident in another EU Member State, we inform that state according to the directive 2003/109/EC. In practice, we also try to inform other Member States in case the person has some other type of permanent residence permit issued by those other Member States.</p> <p>B. We issue the permanent residence permit, if the person meets the necessary national requirements.</p> <p>C. According to a draft law which is being prepared at the moment, the Lithuanian permanent residence permit is to be withdrawn if one establishes that the person has spent more than 6 years in another EU Member State.</p> <p>D. Such a case is grounds to withdraw the Lithuanian permanent residence permit.</p> <p>2. (Answer to the updated question): In any case, we issue the permit to the alien, if s(he) meets all the necessary requirements. Obviously it is in accordance with the EU directives. Although the essence of the EU regulations suggests that the situations of parallel residence statuses should be avoided.</p>
	Luxembourg	Yes	<p>1.</p> <p>A. N/A: The Amended Law of August 29th, 2008, on the Free Movement of Persons and Immigration does not provide a national</p>

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			<p>regime of permanent residence permits. Luxembourg only delivers “long-term resident's EC residence permit” pursuant to Directive 2003/109/EC.</p> <p>B. Family members of Luxembourg citizens are treated like family members of EU citizens. Hence, they have to meet the legal requirements in order to benefit from the right of residence in Luxembourg as a family member of an EU citizen. If they do so, they obtain a residence card as family member of an EU citizen. The fact that this latter family member holds a long-term residence permit in another Member State does not affect his or her right of residence in Luxembourg. If the family member does not meet the legal requirements, he or she is subjected to the legal regime for third-country nationals and may benefit from the provisions for holders of long-term resident's EC residence permit of another Member State as provided by the law.</p> <p>C. N/A: The Amended Law of August 29th, 2008, on the Free Movement of Persons and Immigration does not provide a national regime of permanent residence permits. Luxembourg only delivers “long-term resident's EC residence permit” pursuant to Directive 2003/109/EC.</p> <p>D. N/A: The Amended Law of August 29th, 2008, on the Free Movement of Persons and Immigration does not provide a national regime of permanent residence permits. Luxembourg only delivers “long-term resident's EC residence permit” pursuant to Directive 2003/109/EC.</p> <p>2. N/A: The Amended Law of August 29th, 2008, on the Free Movement of Persons and Immigration does not provide a national regime of permanent residence permits. Luxembourg only delivers “long-term resident's EC residence permit” pursuant to Directive 2003/109/EC.</p>
	<p>Malta</p>	<p>Yes</p>	<p>1. The Czech Republic would like to raise question on how you deal with following situations:</p> <p>A. A third country national <u>applies for</u> permanent residence (under national scheme) in your country and it comes out that this person has permanent residence permit (under national scheme) in another Member State.</p> <p>It does not affect his/her application.</p> <p>B. A third country national <u>applies for</u> permanent residence permit in your country as a family member of a citizen of your country and it comes out that this person holds EC long-term resident status in another Member State.</p> <p>Third country nationals may be granted permanent residence under the relative scheme which is regulated by national legislation. If they qualify for LTR under the relative directive or the rights emanating when moving from one Member State to another and when applying for a permanent residence permit under national rules and they want to invoke the said rights they would not be granted the said permanent residence permit under national rules.</p> <p>C. A third country national <u>is a holder of</u> permanent residence permit in your country (under national rules) and it comes out that this person has permanent residence permit in another Member State.</p> <p>Reply as in A.</p>

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			<p>D. A third country national is a holder of permanent residence permit in your country (under national rules) and it comes out that this person EC long-term resident status in another Member State.</p> <p>Reply as in B</p> <p>2. How do you proceed in this situation: A third country national has a permanent residence permit as a family member of an EU citizen according to Directive 2004/38 in another Member State and he/she applies for EC long-term resident status in your country or opposite situation a third country national has a EC long-term resident status in your country, but he/she wants to apply for a permanent residence permit as a family member of an EU citizen according to Directive 2004/38.</p> <p>If the person's residence in Malta is not on the basis of his exercise of his right of free movement as the family member of an EU national, he would be allowed to apply for LTR status - obviously if he has been in Malta accompanying his EU family member after five years of residence he would get a permanent residence card and not LTR status.</p> <p>As regards the second question, the right of permanent residence on the basis of directive 2004/38 would be obtained after 5 years residence in a member state. We would assume that in order to acquire such permanent residence in another Member State, the person concerned would have been outside Malta for 5 years. One should note, however, that in accordance with the provisions of directive 2003/109 and national legislation transposing the relative provisions he would lose LTR status granted in Malta if he resides outside Malta for a period of 6 years. He would, therefore, be allowed to retain both statuses, but would lose that granted by the Maltese Authorities on the 6th year of residence outside Malta.</p>
	Poland	Yes	<p>Ad 1 A-D The circumstances are of no relevance according to Polish provisions.</p> <p>Ad. 2 The existence of a permanent residence status/EC long-term resident status in other Member State allows granting a permanent residence in Poland (under national rules), and we do not think it is not in accordance with EU directives (2003/109/EC, 2004/38/EC).</p>
	Portugal	Yes	<p>1. If a third country national applies for permanent residence (under the national scheme) and has a residence permit (permanent or not) in another Member State, it's necessary to confirm if he/she indeed lived (or not) in the country along the previous years, as required by the national law. The decision will be taken in accordance, of course.</p> <p>2. UE citizens family members are under the EU citizens legal framework. Therefore third country national law is not applicable to them, including the EC long-term resident status.</p> <p>3. A permanent residence permit could be cancelled when the holder, without reasonable motives, is absent from the country for 24 consecutive months or 30 interpolated months in a period of three years.</p> <p>4. Idem.</p> <p>- The main point on this issue is the confirmation of the minimum necessary time limit to get any of those national status. A clear</p>

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			interpretation of legal applicable frameworks is essential, as well as a correct instruction of the procedure, including the assemble the necessary means of proof. A contact to the relevant EU country authorities may also be appropriate.
	Slovak Republic	Yes	The existence of the permanent residence permit or a long term residence in other EU Member State does not prevent granting of the permanent residence permit to a foreigner according the national legislation of the Slovak Republic. If the foreigner fulfils all the criteria for granting the permanent residence permit in line with the Act on Stay of Aliens (No. 48/2002) the permit is granted.
	Spain	Yes	Organic Law 4/2000, of 11 January 2000, on the Rights and Freedoms of Foreigners in Spain and their Social Integration, was reformed in December 2009 with the aim, <i>inter alia</i> , of transposing current community legislation on alien affairs and immigration. This Organic Law reform has enabled some provisions concerning long-term situations to be transposed. However, the majority of provisions in this area shall be subject to the issuance of an enabling regulation. As this Regulation is currently being drawn up, it is not possible to provide exhaustive replies to the questions formulated on the numerous correlations between retaining and/or acquiring long-term, national residence permits, the long-term community residence permit and permanent residence under Directive 2004/38/EC. However, as soon as the Regulation has been enacted, answers will be given to the questions raised.
	Sweden	Yes	1) In Sweden, the existence of a permanent residence status/EC long-term resident status in another Member State does not prevent granting a permanent or temporary residence according to national legislation. 2) Sweden considers the simultaneous application to be in accordance with the EU directives.
	United Kingdom	Yes	1. In order to acquire permanent residence in the United Kingdom under European law, applicants need to meet the criteria of regulation 15 of the Immigration (European Economic Area) Regulations 2006 ('the EEA Regulations'). If the requirements of regulation 15 are met applicants can be issued a Document Certifying Permanent Residence (if they are an EEA national) or a Permanent Residence Card (if they are a third country national family member.) Where the applicant is a third country national family member, the criteria for acquiring permanent residence is that they demonstrate that they have lived in the UK in line with the EEA regulations for a continuous period of five years. This generally means that they should submit evidence that they have resided in the UK as a family member of an EEA national for the continuous five year period and that the European sponsor has exercised Treaty rights throughout (i.e. that the Union citizen has worked, been self employed, self sufficient or a student.) There is no provision under regulation 15 for refusing to issue a permanent residence card to a third country national solely on the basis that they have already acquired permanent residence in another Member state. However, as in all cases, where any abuse is suspected, it will be investigated. 2. Regulation 15 of the EEA Regulations provides for nationals of an EEA state and their third country national family members to acquire a permanent right of residence in the UK. Under regulation 2 of the same legislation an EEA state is defined as 'a member State other than the United Kingdom.' As a result, there is no provision in the EEA regulations enabling a third country national family member

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			<p>of a British citizen to acquire permanent residence under European law solely on that basis. This would remain the case should it transpire that the third country national family member had long term residence status in another Member state.</p> <p>In line with the European Court of Justice decision in the case of Surinder Singh there are circumstances where a British national could be treated as if he were an EEA national in order to bring in a third country national family member. Where a third country national family member has resided with the British national in another Member state and the sponsor has been economically active there, the non EEA national relative could be admitted under European law and issued with a residence card. Where the same family member then resides in the UK in accordance with the EEA regulations for a continuous period of 5 years, they would then acquire permanent residence.</p> <p>Equally, as the applicant was the family member of a British citizen, it would be open to them to apply for settlement under the UK's domestic Immigration Rules. Whether or not they were able to obtain settlement using this route would depend on their ability to meet the criteria of the particular category they apply under.</p> <ol style="list-style-type: none"> 3. Where a third country national has acquired permanent residence under the EEA regulations, it can only be lost through absence from the UK for a period exceeding two consecutive years (Regulation 15(2)). The acquisition of permanent residence in the UK would remain unaffected if it transpired that the third country national family member had also acquired permanent residence in another Member state. 4. As outlined above, where a third country national has acquired permanent residence in the UK under the EEA regulations, it can only be lost as a result of an absence from the UK exceeding two years or more. There is no provision within the EEA Regulations for it to be lost on the basis that the holder has also obtained long terms resident status in another Member state. 5. As stated above, in order to acquire permanent residence in the UK under European law, applicants must meet the requirements of regulation 15 of the EEA regulations. Regulation 15, is in accordance with and transposes Article 16 of Directive 2004/38/EC. While the fact that a third country national family member who has obtained residency status/long term residence status would not in itself prevent them from obtaining permanent residence here, neither would it assist in meeting the relevant criteria of the EEA regulations. In line with recital 25 of Directive 2003/109/EC, the United Kingdom does not participate in or is bound by Directive 2003/109/EC.
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