



**Ad-Hoc Query on Regulation 862/2007 (on previous and next usual residence)
of the European Parliament and of the Council**

Requested by HU EMN NCP on 19th July 2011.

Compilation produced on 7th October 2011.

**Responses from Austria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania,
Luxembourg, Netherlands, Portugal, Slovak Republic, Spain, Sweden, United Kingdom (17 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.

1. Background Information

According to Regulation (EC) 862/2007 Article 3 (1) a) iii: the Member States shall supply to the Commission statistics on the numbers of immigrants moving to the territory of the Member State, disaggregated by groups of country of previous usual residence by age and sex and according to Article 3 (1) (b) (IV) on emigrants moving from the territory of the Member State disaggregated by groups of countries of next usual residence.

The Office of Immigration and Nationality is interested to learn about MS's experiences regarding the administrative and legal method of registration of previous and next usual residence of immigrants and emigrants by groups of countries for the purpose of statistical production.

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1. Is the registration of previous and next usual residence requirement of the issuance of a permit in your country?

The HU EMN NCP would be very much appreciated if we could receive your responses by **19th August 2011**.

2. Responses¹

		Wider Dissemination? ²	1. Is the registration of previous and next usual residence requirement of the issuance of a permit in your country?
	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	
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	It is obligatory to state the country of previous residence in application for residence permit, however, the data collected this way are not in accordance with the definition of the Regulation 862/2007/EC (it does not distinguish the type of residence) and thus useless as far as data provision for Eurostat required by the Regulation is concerned. Therefore the Czech Statistical Office provides expert estimates based on this data collection combined with the data on the applicant's nationality. Data on the next usual residence are not collected. Czech Statistical Office provides expert estimates. In accordance with the Regulation 862/2007/EC, both previous and next residence data are only provided in aggregation (for groups of countries). Similar data on EU citizens are difficult to collect, since they are not required to apply for residence or residence certificate.
	Denmark	Yes	
	Estonia	Yes	No.
	Finland	Yes	No.

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

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

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	France	Yes	France does not record (enregister) the emigrants leaving the country. About the recording of incoming flow of immigrants data, they are enregistered in the computer application recording foreigners (AGDREF) by prefectures (local representations of the State) at the time of application for a residence permit.
	Germany	Yes	Registration of previous usual residence before entering Germany is no explicit requirement for issuing a residence permit and there is basically no obligation to indicate the destination country in case of a (voluntary) departure. Both details are therefore not included in the German Central Aliens Register.
	Greece	Yes	
	Hungary	Yes	According to the Hungarian legislation the registration of previous (foreign) usual residence is not requirement of issuance of a permit and the next (foreign) usual residence is not registered before leaving the territory of the country especially in case of EEA citizens. These can lead to difficulties during the statistical work. In Hungary in the most cases foreigners do not have to inform the Office of Immigration of Nationality about their next usual residence.
	Ireland	Yes	
	Italy	Yes	According to Article 43 of the Italian Civil Code, the domicile of a person refers to the location where the person's profession and interests are mainly based. Whereas residence is the place where a person has his/her permanent residency. Please note that the address on the permit of stay corresponds to the domicile of the holder and not to his/her residence. Therefore, the residence is not a requirement of the issuance of a permit in Italy. On the contrary, for registration at the Registry Office, the applicant shall prove to be in possession of a valid permit of stay.
	Latvia	Yes	Filling out an application form for a residence permit, applicants are required to indicate a country of their previous residence. This information is included into Register of Population and thus it is possible to extract statistical information. Data on country of next residence are not required and are not stored in any of information systems.
	Lithuania	Yes	According the legislation, aliens applying for a residence permits must only indicate their country of origin. However, when they arrive to Lithuania they need to declare their place of residence and indicate their citizenship, country of origin (state), and country of previous residence. When departing, they must indicate country of future residence.
	Luxembourg	Yes	The citizen from a Member State or from an assimilated (EEA) country that want to stay more than three months has to ask in a delay of 3 days from his arrival, a registration certificate from the municipality (article 8 (1) of the Law of 29 August 2008 on the free movement of persons and immigration). Third country nationals that want to reside in Luxembourg (articles 36 and 40 (1)), must in the three working day from their arrival in the country, must make a declaration of arrival in the Municipality, independent of the duration of their stay. The receipt of the declaration of arrival justifies the regularity of their stay until the moment that the residence permit is issued. In both cases (declaration of arrival and of registration) they indicate the place and country of birth and the nationality of the person. Any person that leaves a Luxemburgish Commune, independent of his or her nationality (European Union, EEA citizen or third country national) has to make a declaration of departure. The declaring party must presents to the Municipality with his identity papers and must indicate the new address where he is moving. The third country national that wants to leave Luxembourg for a period longer than 6 months must make a declaration of departure in the municipality (article 40 (4)) However, certain number of third country nationals leave the country without making the declaration of departure.

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			All the data on arrivals and departures of third country national is based on the declaration of arrival (or registration) and departure made in the municipalities. At present, the statistical data does not include the entries and the respective exits of a migrant in the same calendar year.
	Malta	Yes	
	Netherlands	Yes	No, it is not a requirement and this information is not registered by the Immigration and Naturalisation Service, who is responsible for dealing with all applications for residence permits.
	Poland	Yes	
	Portugal	Yes	As a requirement for the issuance of a permit in PT there is any legal obligation for registration. Also, there is no obligation for registration before leaving the Portuguese territory.
	Romania	Yes	
	Slovak Republic	Yes	It is not a requirement. A foreigner declares in the application for a residence permit where he/she comes from but declaring the next usual residence is not compulsory, however, a police unit can request this information according to the Act on Stay of Aliens. The foreigner is obliged to submit all information necessary for statistical purposes.
	Slovenia	Yes	
	Spain	Yes	<p>The statistical data on Article 3 are not taken from the Central Register of Foreign Nationals (residence permits registry) but from the exploitation of the information regarding registrations and cancellations due to changes of residence registered in the Municipal Registers, where all movements from or to foreign countries are registered (among others).</p> <p>It also include registrations by omission and cancellations for undue inscription of foreign nationals, which are considered to be, respectively, <i>Registrations due to residential variation from abroad</i> in which the country of origin is not shown (immigrations), and <i>Cancellations due to residential variation bound for another country where the destination country is unknown (emigrations)</i>. This is due to the fact that, unlike what happens with Spaniards who, when they move abroad, should complete Consular Registration, with foreign nationals, this is not possible, and therefore the only way to detect the residential variation is via the statement of the citizen when he/she completes the registration form. If he/she does not state the country of origin, the reason for registration in the Register appears to be by omission, when in reality, it is a matter of a change of residence; regarding <i>Cancellations by residential variation bound for another country</i>, for the same reason, the only way to register the cancellation in the Municipal Register as a change of residence to a foreign country would be when requested to do so by the non-Spanish citizen, which does not occur very often. Therefore there is a high non-response rate with respect to country of destination in emigration figures.</p>
	Sweden	Yes	In Sweden we do not register previous or next residence in a way that we can use it for statistical purposes.
	United Kingdom	Yes	All applications for long term stays should be made in country of origin or where the applicant is legally resident. Visit visa applications can be made in any country. UK Border Agency do not keep details of where the applicant has come from or ask where they are going to. We issue family permits to those wanting to accompany EEA spouse/family members and any further leave requested in country is granted on a Biometric Residence Permit.

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			<p>The International Passenger Survey (IPS), run by the Office for National Statistics (ONS), is the primary data source for measuring international migration to and from the UK. All estimates are based on responses of randomly selected travellers via air and sea ports and the Channel Tunnel. These are weighted to reflect the total number of travellers on the relevant routes.</p> <p>However, since 2009, the Long-Term International Migration (LTIM) estimates are the primary source used by the UK to measure international migration as requested by the EC Regulation 862/2007 for Article 3 (including country of previous or next residence). These estimates incorporate data from the IPS, as well as additional information including: adjustments based on migration to and from Northern Ireland supplied by the Northern Ireland Statistics and Research Agency (NISRA); information supplied by the Home Office on asylum applications received from migrants not sampled by the IPS; and corrections for travellers who change their intentions regarding intended length of stay in such a way as to switch from being 'visitors' (staying under 12 months) to 'migrants' (12 months or more) and vice versa.</p>
	Norway	Yes	