



Ad-Hoc Query on SINGLE APPLICATION PROCEDURE

Requested by HU EMN NCP on 26th March 2012

Compilation produced on 4th May 2012

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Luxembourg, Netherlands, Portugal, Romania, Slovenia, Sweden, United Kingdom (17 in Total)

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1. Background Information

The Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (Single Permit Directive) necessitates that the Member States apply a single application procedure when third-country nationals apply to reside in a Member State for the purpose of work and also for those who reside for purposes other than work but are also allowed to work. Hungary only introduced such a single application procedure for third-country nationals covered by the scope of the Blue Card Directive, and therefore needs to extend such a single application procedure also for further categories of third-country nationals who are allowed to work in Hungary.

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Questions:

1. To what categories of migrants do you apply single application procedure and do different types of single permit exist in your MS?
2. What are the procedural phases of the single application procedure and what authorities are involved in the different procedural phases in your MS?
3. How are the labour demand notice and/or the labour market test incorporated in the single application procedure in your MS?
4. How do you wish to change your application procedure when implementing the Single Permit Directive? Will there be any categories of third-country national workers to whom single application procedure will not apply?

We will very much appreciate receiving your responses by 24th April 2012.

2. Responses¹

		Wider Dissemination? ²	<ol style="list-style-type: none"> 1. To what categories of migrants do you apply single application procedure and do different types of single permit exist in your MS? 2. What are the procedural phases of the single application procedure and what authorities are involved in the different procedural phases in your MS? 3. How are the labour demand notice and/or the labour market test incorporated in the single application procedure in your MS? 4. How do you wish to change your application procedure when implementing the Single Permit Directive? Will there be any categories of third-country national workers to whom single application procedure will not apply?
	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	In Belgium, A single application procedure for a labour permit and a residence permit does not exist. Currently, one can obtain a residence permit in Belgium based on a labour permit B. The labour permit is issued by the regional authorities, in principle after a labour market test, but there are some exemptions to this labour market test. The EU Blue Card; which is currently being transposed into national law, shall be the first "single permit" that will be issued in Belgium. <u>Although this does not mean that a single application procedure will be introduced.</u> The dual administrative system shall remain, respecting the different competences of the regional authority (competent for labour market policy) and the Federal authority (competent

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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			for residence legislation). For what concerns the EU Blue card, the Employer shall have to submit an application for employment with the competent regional authority. If the employment conditions are met, there will no longer be send a labour card B to the employer and the employee, but the competent regional authority shall provide a provisional labour permit to the employer and this will be notified to the Immigration Office. Subsequently the employee needs to make an application for a residence permit if this temporary labour permit was granted to the employer. Once the employee has his EU Blue Card, the temporary labour permit expires.
	Bulgaria	Yes	<ol style="list-style-type: none"> 1. For the time being, Bulgaria applies single application only towards highly-qualified third-country workers following the Directive 2009/50. 2. The employer applies for the blue card with all necessary documents to the Employment Agency. Employment Agency informs the Ministry of Interior that the conditions for highly-qualified employment are met. The MoI issues the blue card to the TCN. 3. The employer is obliged to show proofs that he couldn't find an EU citizen or legally residing TCN for the job when he applied for the blue card. Employment agency checks whether this corresponds to the reality on the labour market. <p>This is not clear at this stage and will be discussed in the months to come.</p>
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	<ol style="list-style-type: none"> 1. In general an alien who resides in Estonia on the basis of a residence permit has the right for employment in Estonia. Exceptions are aliens who have been issued a temporary residence permit for enterprise and who cannot be employed by another person in Estonia and aliens who reside in Estonia on the purpose of study and need to apply for work permit. Working is also prohibited for aliens who have been issued a temporary residence permit in case of sufficient legal income. Although students have to apply for work permit Estonia still issues <u>single permit</u> to all aliens who reside in Estonia using the uniform format. Estonia also applies <u>single application procedure</u> almost too all categories of migrants. Only exceptions are aliens who apply residence permit for employment and aliens who apply residence permit for study and need to apply for special work permit. 2. In general an alien in order to apply for a temporary residence permit shall lodge an application for a temporary residence permit personally at a foreign mission of Estonia. A foreign mission of Estonia (after the person has been identified or the identity verified and, if necessary, after the taking of biometric data) shall send it to the Police and Border Guard Board for proceedings. If alien applies temporary residence permit for employment, the single application procedure does not apply. The Estonian Unemployment Insurance Fund is also involved to consider the situation in the labour market and if filling the position with an alien is justified. 3. Requirement for permission of Estonian Unemployment Insurance Fund is necessary only when alien applies for temporary residence permit for employment. According to the aliens act temporary residence permit for employment may be issued to an alien for employment with an employer registered in Estonia if the vacant position has not been filled within the period of three weeks by way of public competition and making use of the services of a state employment agency, by employing an Estonian citizen or a citizen of the European Union or an alien residing in Estonia on the basis of a residence permit who meets the requirements for qualifications and professional skills for such position. If the employer has failed to find a suitable candidate the Estonian Unemployment Insurance Fund may grant to the employer a permission to fill the position by employing an alien. The

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			Estonian Unemployment Insurance Fund also considers the situation in the labour market. Changes in national regulations are in development.
	Finland	Yes	Government Bill implementing the Directive 2011/98/EU is currently under preparation and is to be presented before the parliament in 2013.
	France	Yes	<p>1. In France, a number of residence permits are considered as single permits, entitling third-country nationals to work. Among such residence permits, there are residence permits with automatic permission to work (long-term residence permit, “private and family life” temporary residence permit, “skills and talents” residence permit) or residence permits which require a work authorization before being issued (“employment” temporary residence permit, “temporary worker” temporary residence permit, “seasonal worker” temporary residence permit, “employees on assignment” temporary residence permit, “artistic and cultural professions” residence permit, European “blue card”).</p> <p>2. Concerning residence permits which require a work authorization before being issued, the employer first asks the Department of Foreign Labour Force of the Regional Directorates for Companies, Competition, Consumption, Work and Employment (DIRECCTE) for a work authorization. If the authorization is granted, the DIRECCTE informs the consulate for visa issuance (except for grounds of threat to public order or migratory risk) for new immigrants, or the Foreign Department of the Prefecture, in case of change in the status of the migrant. Finally, the Prefecture issues one of the above residence permits.</p> <p>3. Before issuing an “employment” or a “temporary worker” or a “seasonal worker” temporary residence permit, French authorities (DIRECCTE) issue a work authorization after assessing the employment situation in France.</p> <p>4. French law seems consistent with the directive and none of its provisions would require to be transposed.</p>
	Germany	Yes	
	Greece	Yes	<p>Greece is currently under the procedure of implementing the provisions of Directive 2011/98/EU.</p> <p>1. In any case, according to current migration legislation in Greece (since 2005), all residence permits of third country nationals are being issued under a single application procedure, that is, more or less, identical to the procedure provided by the Directive. Therefore, only minimum adjustments will be needed for the incorporation of the procedural part of the Directive to Greek migration law. Specific amendments will be necessary as for the second part of the Directive concerning equal treatment, which are under discussion with competent authorities.</p> <p>2. According to recent legislation (since September 2011), single application procedure is under the authority of the competent services of the Decentralised Administration, which examines the submitted by third country national documentation and issues the decision on the application (“one stop shop” services). The person concerned is informed on the decision in written and when it is positive he/she is called to receive his residence permit. These so called “one stop shop” services are being established gradually, since 2011, to the Decentralized Authorities of the State and until the full implementation of the new system, applications are being submitted to the municipality authorities and transferred by them to the Decentralized Authorities which in any case examine the applications and issue the residence permit.</p> <p>3. As for the labour demand notice and/or the labour market tests, the competent authorities (Ministry of Interior & Ministry of Employment) every year determine the volumes of admission of third country national for work in accordance with the relevant applications of the employers (by inter-ministerial decision). So, after the annual determination of the volume of admission, third country nationals apply in accordance with the single application procedure.</p>

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			4. As mentioned before, single application procedure is already implemented according to the existing migration law, since 2005. As for further details concerning specific categories of migrants to be excluded by single application procedure as a result of the implementation of the Directive 2011/98/EU, it is too soon to be specific, as the implementation procedure is currently ongoing.
	Hungary	Yes	<p>1. Hungary only applies single application procedure covered by the scope of the Blue Card Directive and issues only the EU Blue Card as a single permit.</p> <p>2. Third-country nationals applying for an EU Blue Card should submit their application to the competent regional directorate of the Office of Immigration and Nationality (OIN). The OIN contacts the National Employment Service's regional (metropolitan) employment office in order to ask for an opinion on the third-country national's employment as a highly-qualified worker. The regional employment office assesses the legal conditions of employment as well as the national employment situation. In case the document proving the qualification needs further inspection, the National Employment Service contacts the Educational Office. The OIN brings a decision based on both its own check on the immigration criteria and the opinion of the Employment Service and in case of a positive decision the OIN issues the EU Blue Card.</p> <p>3. When the third-country national applies for an EU Blue Card the employer should already have a valid workforce request for which the notice by the employer towards the competent Employment service was made minimum 15 days and maximum 60 days prior to the submission of the application for an EU Blue Card.</p> <p>4. Hungary is presently formulating the conception of the implementation of the Single Permit Directive. There are options for making the single application procedure the main rule for the employment of third-country nationals, or for maintaining the issuance of a separate work permit in certain categories not covered by the Single Permit Directive. We are also looking for ways to incorporate the labour demand notice into the single application procedure.</p>
	Ireland	Yes	
	Italy	Yes	<p>1. To what categories of migrants do you apply single application procedure and do different types of single permit exist in your MS?</p> <p>In Italy there is no distinction between permit to reside and permit to work.</p> <p>2. What are the procedural phases of the single application procedure and what authorities are involved in the different procedural phases in your MS?</p> <p>All aliens who enter Italy regularly, including those who are not required to hold a visa, must comply with the rules governing the stay of aliens in Italy, and are required to report their presence on Italian territory to the local Central Police Station ("Questura") of the province in which they are staying within 8 working days from the date of entry, and apply for a stay permit pursuant to article 5 of Law no. 286/1998.</p> <p>Foreigners requiring a stay permit for reasons such as adoption, requesting refugee status, choice of residence, study (for more than 90 days), religious grounds, mission, vocational training internship, pending-employment or reacquisition of citizenship, family or work reasons must go to the post office which is operating the <i>Sportello Amico</i> (Friendly Desk), where it is possible to acquire and compile the necessary documentation that will be then transmitted to the competent Police Station. The Single Desk set up at the Prefectures is in charge of the release of residence permits for work and family purposes, whereas only Police headquarters are in charge of the following types of permits: statelessness, political asylum, health treatment, sport competition, justice, integration of a child, on humanitarian</p>

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			<p>grounds, minor aged, and holiday work.</p> <p>3. How are the labour demand notice and/or the labour market test incorporated in the single application procedure in your MS? The procedure establishes that the employer, within the quotas determined by the “flow-decree”, has the responsibility of going to the Single Desk for Immigration at the Prefecture of the province where the work should be carried on. The same employer, in case he/she knows the employee to hire, needs to apply for a specific authorization to work, providing additional documents which certify the existence of a suitable accommodation for the worker as well as the residence contract proposal. Once the existence of all legal requirements has been verified according to the legislation (and in collaboration with the Police and the provincial Labour Office), and in case of a favorable opinion, the Single Desk on Immigration issues the authorization certificate to the employer, sending online the documentation to the consular offices in the worker’s country of residence. The worker will then have 6 months to apply for an entry visa and, once arrived in Italy, within 8 days he/she will have to attend to the competent Single Desk in order to receive his/her own tax code, sign the residence contract and fill in the application form for a residence permit</p> <p>4. How do you wish to change your application procedure when implementing the Single Permit Directive? Will there be any categories of third-country national workers to whom single application procedure will not apply? Since national legislation already satisfies requirements envisaged by the Single Permit Directive, no major changes are envisaged.</p>
	Latvia	Yes	<p>1. Latvia applies a single application procedure to all categories of third-country citizens. At the moment there exist two types of permits though. One- with incorporated information on employment (for entrepreneurs and for persons who have unlimited access to labour market), other – as a two separate documents – a residence permit + work permit (A4 paper sheet with all necessary information on employer, address of work, salary, working hours etc.).</p> <p>2., 3. Procedural phases: 1. Labour market test. Employer registers a vacancy in State Employment Service (can be done electronically) and if within 30 days there have not been received suitable applications from nationals of Latvia or EU countries, an employer comes to Office of Citizenship and Migration Affairs to improve an invitation for a migrant worker. Invitation is approved within 5 working days. 2. After an invitation has been approved (employer should notify his employee by phone or electronically on this fact. Data on invitation are kept in IT system that is available in all consular representatives of Latvia abroad) a third-country citizen can submit his/her documents for a residence permit + work permit in Latvian embassy or consulate abroad. Documents are sent to Office of Citizenship and Migration Affairs where a decision on issuance of a residence and work permit is taken (within 30 days). No other institutions are involved in the process as Office of Citizenship and Migration Affairs checks the qualification of foreigner and a fact of registration of vacancy. After a positive answer from Office of Citizenship and Migration Affairs, Embassy issues D visa and a third-country citizen can enter Latvia and to receive a residence/work permit in Office of Citizenship and Migration Affairs.</p> <p>4. Single application procedure will not be changed except of the fact that A4 format paper sheet (work permit) will not be issued anymore but information on rights to work will be included into residence permit card.</p>
	Lithuania	Yes	
	Luxembourg	Yes	<p>1. Luxembourg has not yet transposed the Directive 2011/98/EU of 13 December 2011. However, Luxembourg had introduced a single application procedure in the modified law of 29 August 2008 on free movement of persons and immigration. In Luxembourg the salaried worker residence permit allows the third country national to reside and work in Luxembourg. The single permit is applicable to all the categories of authorization to stay related to a salaried activity (Chapter 3, Section 2, sub-</p>

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			<p>section 1 of the law of 29 August 2008). This means that it includes: Blue European card, posted salaried worker, transferred salaried worker and salaried worker. The authorization of stay granted to an athlete (sportsman) and to a researcher also includes the authorization to work in the respective field.</p> <ol style="list-style-type: none"> 2. The third country national has to introduce his/her application to obtain the authorization to stay to the Directorate of Immigration. 3. The labour market test only applies to the applicants of an authorization to stay as « salaried workers ». Before the labour market test was done in the scope of the examination of an application for an authorization to stay. Nowadays the procedure was modified by law of 18 January 2012 which creates the Agency for the Development of Employment (ADEM). Now the labour market test is made in addition to the examination of the application of authorization of stay. The employer has to declare that the post is vacant at the ADEM. If the agency in the following three weeks from the declaration of the vacancy has not proposed the employer a suitable candidate who fulfill the profile required, the employer can ask the ADEM a certificate that which certifies the right to engage for this post a person of his/her choice. This certificate has to be issued in a 5 day period from the demand of the employer. <p>If the Minister considers that the following conditions are not fulfilled : she/he is not adversely affected by the priority of hiring which certain workers receive by virtue of community or national provisions;</p> <ol style="list-style-type: none"> a. exercise of the activity to be supplemented serves the economic interest of Luxembourg; b. the applicant must have the professional qualifications required for the exercise of the activity to be supplemented; c. the applicant is in possession of a work contract entered into for a position declared vacant with the Employment Administration (ADEM) in the forms and conditions stipulated by the related legislation in force. <p>He seize for a legal opinion the the Consultative Commission for Salaried Workers (CCTS) in accordance with the terms and conditions determined by the Grand Ducal regulations.</p> <p>The Minister responsible for immigration first of all requests via email an opinion from ADEM, which is obliged to reply within three weeks, and then one from of the CCTS.</p> <p>The notice will contain information in particular on:</p> <ul style="list-style-type: none"> - declaration of the vacant position by the employer; - the objective necessity of the criteria required by the employer in relation to execution of the work for the position declared vacant; - verification of concrete availability of jobseekers who have a priority rite to be recruited; - profiles of the candidates assigned and their employment histories; - the following is reserved for summons; - the number of workers subject to authorisation compared with the employer's total number of workers . <p>Once the third-country national is authorised to remain as a salaried worker, s/he must provide proof that s/he has suitable accommodation and a medical certificate. From then on s/he can be issued with a 'salaried worker' residence permit. The first residence permit is valid for a maximum duration of one year, for a single sector and a single profession. At the first renewal, the residence permit is extended for two more years if the employee is in possession of a work contract entered into for a position</p>
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			<p>declared vacant with ADEM. From the second renewal, the permit, with validity duration of three years, is valid for any profession and any sector.</p> <p>No labour market test exists for the other categories.</p> <p>4. The government will evaluate at the moment of the transposition of the directive if any changes are needed.</p>
	Malta	Yes	
	Netherlands	Yes	<ol style="list-style-type: none"> 1) In the Netherlands we don't receive many applications, however no exact data are available. 2) No information available 3) In the Netherlands there is no specific procedure. If the refugee has no resident permits and the European Agreement is applicable, he can fill in an application form and the Immigration and Naturalisation Service (IND) will issue a permit residence for asylum. The Netherlands then will also issue the travel documents for refugees. If the applicant already has a residence permit, a remark will be entered in his file, noting the person is a refugee. If required other authorities can be consulted. 4) No information available 5) No specific severe difficulties are recognized. <p>In the process of implementation of Directive 2011/51 (amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection) the Netherlands plan to include a referral to the possibility of taking over the responsibility for refugees.</p>
	Poland	Yes	
	Portugal	Yes	<ol style="list-style-type: none"> 1. Portugal applies single application procedure to all migrants. 2. TCN should apply for a visa, according to the purposes of the stay in Portugal (study, work research, etc), in a Portuguese embassy or consular post abroad. All relevant documents should be joined to the visa application, according with the purpose of the intended activity (Eg, for residence visa for dependent professional activity, a copy of the employment contract or promise of employment contract and statement issued by IEFP [Institute for Employment and Vocational Training] certifying that the work activity is not covered by the annual quota must be included). During the visa procedure, the Consular authority should require a former appraisal from Immigration and Borders Service (SEF) in order to verify if the applicant meets all visa granting conditions and no migratory or security risks exists. Once in the national territory, visa holder should apply for Residence Permit, submitting the application to the competent regional directorate of the Immigration and Borders Service (SEF). SEF is directly connected on line with the Social Security Services in order to check if there is a registration and if the necessary discounts were paid. 3. As referred, the application for residence visa for purposes of providing a dependent professional activity must include a formal statement issued by IEFP [Institute for Employment and Vocational Training] certifying that the work activity is not covered by the annual quota. 4. "Single permit" procedure is fully in force.
	Romania	Yes	<ol style="list-style-type: none"> 1. To what categories of migrants do you apply single application procedure and do different types of single permit exist in your MS? <p>According to the provisions of the Government Emergency Ordinance no. 194/2002 on aliens' regime in Romania, alien who is employed based on a work authorization is issued a residence permit for work purposes. This document is testifying both the stay and work right on</p>

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			<p>the Romanian territory. Issuance of this type of document is done through a unique procedure.</p> <p>2. What are the procedural phases of the single application procedure and what authorities are involved in the different procedural phases in your MS?</p> <p>Regarding the issuance of the residence permit for work purposes the competent institution is the Romanian Immigration Office. Other institutions involved are: Labor Inspection of the Ministry of Labor, Family and Social Protection, National Agency for Fiscal Administration of the Ministry of Finance Ministry of Health by the GPs and occupational health.</p> <p>3. How are the labour demand notice and/or the labour market test incorporated in the single application procedure in your MS?</p> <p>Before applying for the entry visa the employer is obliged to make the job position vacant through the territorial agency for employment competent for the area where it has the headquarters. A third country national can be employed only in case that following the market testing a Romanian or an EU citizen is not identified as a potential employee.</p> <p>4. How do you wish to change your application procedure when implementing the Single Permit Directive? Will there be any categories of third-country national workers to whom single application procedure will not apply?</p> <p>The transposition of the Directive has not been analyzed yet.</p>
	Slovak Republic	Yes	
	Slovenia	Yes	<p>1. Slovenia only applies single application procedure covered by the scope of the Blue Card Directive and issues only the EU Blue Card as a single permit.</p> <p>2. Third-country nationals applying for an EU Blue Card should submit their application with a diplomatic or consular representation of the Republic of Slovenia abroad while the employer may file it with the diplomatic or consular representation of the Republic of Slovenia abroad or with the competent authority in the Republic of Slovenia (administrative unit). After receiving an application for the granting or renewal of an EU Blue Card, the administrative unit request ex officio the Employment Service of Slovenia to provide its consent regarding work conditions (work contract, salary, etc...) to the grant or renewal of an EU Blue Card. Administrative unit than review other legal conditions (if there is a suspicion that the alien might pose a threat to the public order and safety, etc.) for the grant or renewal of an EU Blue Card after it has received the consent to the granting or renewal of an EU Blue Card.</p> <p>3. Before issuing EU Blue Card, labour market test has to be made by competent authority ex officio.</p> <p>4. Slovenia has not implemented Single Permit Directive yet. We are interested about answers of Member States.</p>
	Spain	Yes	
	Sweden	Yes	<p>1. A single application procedure is used for all types of migrants and the procedure is essentially the same regardless of the category concerned.</p> <p>2. The applicant fills out an application form that is common for both residence and work permits. The application is submitted at a Swedish embassy or via the Internet. The Migration Board handles both applications (residence and work permit) and makes a joint decision expressed in a joint document.</p> <p>3. There is no examination of the labor demand or labor market tests.</p> <p>4. Probably there is no need for any significant changes and as mentioned above, the single application procedure will apply to all categories.</p>
	United Kingdom	Yes	UK has not opted into this Directive, is not bound by it and is therefore not implementing it.

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	Norway	Yes	
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