



## **Ad-Hoc Query on Different ways of receiving residence permit applications abroad**

**Requested by Finland EMN NCP on 16<sup>th</sup> April 2013**

**Compilation produced on 30 May 2013**

**Responses from Austria, Belgium, Cyprus, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovenia, Sweden, United Kingdom plus Norway (18 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 the Finnish Aliens Act in force at present, a residence permit application may only be filed abroad with a Finnish diplomatic mission, who will also notify of the decision made. The objective of the legislative amendments currently being prepared in Finland is to provide for alternatives to the existing system and to enable the implementation of cooperative models in receiving residence permit applications, similar to those already in use with visa applications. In accordance with the Visa Code (Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13th July 2009 establishing a Community Code on Visas), the Member States may cooperate with each other in visa issues or e.g. authorize external service providers to receive visa applications.

For this purpose the Ministry of the Interior would like to collect information from other Member States and Norway. We would very much appreciate your responses by **15 May 2013**:

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## 2. Responses<sup>1</sup>







		<b>Wider Dissemination?</b> <sup>2</sup>	<p>1. Does your Member State cooperate or envisage to cooperate also in issues related to residence permit applications in a <b>similar fashion with the cooperation intended in Article 40 of the Visa Code</b>:</p> <p>a) with one or more Member States b) with external service providers?</p> <p>If yes, please provide more detailed information.</p> <p>2. If you have answered yes to the question number 1, please state:</p> <ul style="list-style-type: none"> <li>- the <b>grounds</b> for giving tasks related to residence permit applications to other Member States or external service providers</li> <li>- the <b>tasks</b> related to residence permit applications (such as receiving applications and notifying of decisions made) which are given to other Member States or external service providers (cf. Art. 43 of the Visa Code)</li> <li>- the course of action taken regarding <b>capture of biometric identifiers</b> in case of cooperation with other Member States or external service providers</li> <li>- whether the external service provider is always located close to the mission of your Member State or another EU Member State or whether the external service provider could cover a state/an area having no missions at all.</li> </ul> <p>3. Has your Member State enacted <b>national legislation</b> regarding cooperation and/or giving tasks to external service providers? If possible, please provide a link to such legislation.</p>
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	<p>1. a) No. If no Belgian consulate is present in the specific country of origin (domicile), the foreign national must address the Belgian post authorised for that country, most likely in one of the neighbouring countries. Please note that it is (under certain conditions) also possible to lodge an application (for a residence permit) directly on the Belgian territory.</p> <p>b) Yes. See The list of competent embassies, consulates and External Service Providers is available via this link: <a href="http://diplomatie.belgium.be/en/services/travel_to_belgium/visa_for_belgium/">http://diplomatie.belgium.be/en/services/travel_to_belgium/visa_for_belgium/</a></p>

<sup>1</sup> 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.

<sup>2</sup> 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."










EMN Ad-Hoc Query: Receiving residence permit applications abroad

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			<p>2. The grounds for outsourcing (residence permit) applications to an ESP are of a practical nature: lack of Belgian consulate in the country, vastness of the territory ; insufficient reception infrastructure ; lack of human resources ; offering a better service to the public ; security risks ;...</p> <p>The tasks are to inform the public on the procedure and the required documents; receipt of applications ; notification of decisions. Until now there is no capture of of biometric identifiers if a foreigner applies for a visa D.</p> <p>3. No.</p>
	<b>Bulgaria</b>	<b>Yes</b>	
	<b>Cyprus</b>	<b>Yes</b>	<p>1. Does your Member State cooperate or envisage to cooperate also in issues related to residence permit applications in a <b>similar fashion with the cooperation intended in Article 40 of the Visa Code</b>:</p> <p>a) with one or more Member States? NO b) with external service providers? NO</p> <p>2. N/A</p> <p>3. YES (only available in Greek) <a href="http://www.treasury.gov.cy/treasury/PublicPro/ppro.nsf/All/45B013E0EF8D6A91C2257405002AC468/\$file/N%2012(I)%20%202006.pdf?OpenElement">http://www.treasury.gov.cy/treasury/PublicPro/ppro.nsf/All/45B013E0EF8D6A91C2257405002AC468/\$file/N%2012(I)%20%202006.pdf?OpenElement</a></p>
	<b>Czech Republic</b>	<b>Yes</b>	
	<b>Denmark</b>	<b>Yes</b>	
	<b>Estonia</b>	<b>Yes</b>	<p>1. No, Estonia does not cooperate or envisage to cooperate also in issues related to residence permit applications with other Member States nor external service providers.</p> <p>3. No, Estonia has not enacted national legislation regarding cooperation or giving tasks to external service providers.</p>
	<b>Finland</b>	<b>Yes</b>	<p>1. Finland does not for the present cooperate with other Member States nor with external service providers in issues related to residence permits in the way referred to in this question. The objective of the legislative amendments currently being prepared in Finland is to provide for alternatives to existing system in other words to begin cooperation with other Member States and/or external service providers.</p> <p>2. Finland is considering alternative forms of action and cooperation concerning residence permit issues as there is an outstanding pressure to cut down Finland's network of diplomatic missions abroad and several missions are going to be closed down in the next few years. Positive experiences gathered in connection with the cooperation concerning visa issues is one of the reasons as well.</p>







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			3. No.
	<b>France</b>	<b>Yes</b>	1. France does not cooperate with any Member State or external service provider in issues related to residence permit applications. Any application for a residence permit must be done at the Prefecture of the city of residence of the applicant, or, in Paris, at the police Prefecture. Applicants living abroad must submit their demand directly at the French embassy or consulate of their country of residence. 2. 3. No.
	<b>Germany</b>	<b>Yes</b>	Such cooperation does not take place.
	<b>Greece</b>	<b>Yes</b>	
	<b>Hungary</b>	<b>Yes</b>	1. Procedures related to applications for residence permits are being regulated in national competence. In light of present legal regulations, Hungary does not envisage cooperation in this field neither with other Member State(s) nor ESPs. Cooperation with ESPs is utilized exclusively with regards of uniform Schengen visa applications, according to provisions set forth in the Schengen Visa Code. Due to visa representation agreements foreign representations of other Schengen Member States issue visas on behalf of Hungary. 2. – 3. Hungary has not enacted national legislation on external service providers.
	<b>Ireland</b>	<b>Yes</b>	
	<b>Italy</b>	<b>Yes</b>	According to Italian legislation, a residence permit application can never be filed abroad. The foreign national concerned is required to apply for an entry visa at the Italian diplomatic-consular representations in the country of usual residence and, once entered regularly in Italy, if intending to stay longer than 90 days, he/she is required to apply for a residence permit, which will be issued for the same reason and duration of the visa.
	<b>Latvia</b>	<b>Yes</b>	1. Latvia does not cooperate with other Member States in this area. Bilateral agreements on representation in visa issuing do not include the provisions on cooperation in area of issuance of long-term visas and it does not cover transfer of documents, submitted for a residence permit. External service providers have not been involved as well. 3. No
	<b>Lithuania</b>	<b>Yes</b>	No, Lithuania does not cooperate in this manner.
	<b>Luxembourg</b>	<b>Yes</b>	1. a) Even before the existence of Schengen and before the Visa Code, Luxembourg has relied on the cooperation of the Benelux countries (Belgium and the Netherlands) for representing its interests abroad and in consequence their diplomatic representation have traditionally treated the applications for authorisation of stay and visas. Also in countries where the Benelux countries do not have diplomatic representation, Luxembourg is represented by France and Germany, as well as by Portugal, Spain, Hungary and Slovenia. b) Luxembourg has not cooperated and does not plan for the moment to fulfil these functions through a service provider.






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			<p>The residence permits are only issued in Luxembourg.</p> <p>2. <b>Grounds:</b> In the case of Luxembourg seen the size of the country and the limited human resources, Luxembourg could only afford to have diplomatic representations in certain targeted countries. <a href="#">The Belgian – Luxemburgish Economic Union Convention</a> on 6 March 1922, renewed by <a href="#">Law of 17 May 2004</a> established that in the case that Luxembourg did not have a diplomatic representation; the Belgian representation will represent the Luxemburgish interest (article 32). The agreement with the other Member States is that their diplomatic representation will collect the fees.</p> <p><b>Tasks:</b> the diplomatic representation of the other Member States will collect the applications for authorisation of stay and visas. They work directly with the Visa and Passport Office of the Ministry of Foreign Affairs (Visas) and with the Directorate of Immigration of the Ministry of Foreign Affairs (authorisation of stay).</p> <p><b>Biometrical identifiers:</b> No. Luxembourg does not take the biometric identifiers at the mission abroad as residence permits are not issued by consulates. In case that the authorisation of stay is granted and the applicant needs a visa to enter the Schengen Area, the applicant must apply for a D-Visa that will be issued by the diplomatic mission. Once, the applicant enters the country the biometric identifiers will be taken at the Directorate of Immigration before issuing the residence permit.</p> <p>3. No.</p>
	Malta	Yes	
	Netherlands	Yes	<p>1. No. The Netherlands do not cooperate with other Member States nor with external service providers in issues related to residence permits in the way referred to in this question.</p> <p>2. Not applicable.</p> <p>3. No.</p>
	Poland	Yes	
	Portugal	Yes	<p>1. A residence permit must be applied in Portugal hence there aren't any cooperation abroad with other Member States in this issue. However there are cooperation with Member States in matter of visa issuance for the purpose of entry in Portugal for a future applying for residence permit.</p> <p>2. Not applicable</p> <p>3. No.</p>
	Romania	Yes	
	Slovak Republic	Yes	

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	<b>Slovenia</b>	<b>Yes</b>	Slovenia currently does not cooperate with other Member States nor with external service providers in order to issue residence permits in the way referred to the question 1. Slovenia also not envisages any legislative amendments in a novel of the Alien Act which will come into force at the end of 2013 in order to provide any alternative to existing system.
	<b>Spain</b>	<b>Yes</b>	
	<b>Sweden</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. a) No, not at the moment. b) No, not at the moment.</li> <li>2. –</li> <li>3. No, not at the moment.</li> </ol>
	<b>United Kingdom</b>	<b>Yes</b>	<p>Applicants cannot currently apply overseas for UK resident permits. They apply for entry clearance and then for the resident permit on arrival in the UK.</p> <p>There are various arrangements for visa applications however with some countries having application points run by commercial partners or a host government e.g. the US and Gibraltar. Some of these centres are shared with other countries and we are considering expanding that with more countries</p>
	<b>Norway</b>	<b>Yes</b>	Together with the other Nordic countries Norway has for several years participated in an extended Schengen-representation for the purpose of issuing short stay visas (90 days maximum). This collaboration has been extended to the reception of applications for residence permits, but this collaboration has mainly involved Norway and Denmark.

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