



EMN Ad-Hoc Query on the submission of application for temporary residence permit

Requested by EE EMN NCP on 7th January 2016

Residence

Summary prepared by NO EMN NCP based on responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Sweden, United Kingdom and Norway

Disclaimer:

The responses were 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 was up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

Estonia is currently analysing possible changes in national law concerning possibilities for submission of application for temporary residence permit. In order to apply for a temporary residence permit in Estonia a third country national shall submit an application for a temporary residence permit personally at a foreign mission of Estonia. A foreign mission of Estonia shall send it to the Estonian Police and Border Guard Board for proceedings after the person has been identified or the identity verified and, if necessary, after the taking of biometrical data. As an exception, certain favoured groups of third country nationals may submit an application for temporary residence permit in Estonia. We are interested to know how the submission of application for initial temporary residence permit is regulated in other Member States. We apologize for the short deadline and kindly ask you to provide your answers to the following questions:

Questions

- 1) Is a third country national obliged to submit an application for initial temporary residence permit at a foreign mission?**
- 2) Is it possible for a third country national to submit an application for initial temporary residence permit in the Member State? If yes, please provide information about who are entitled to do it and on what conditions can a third country national submit an application for temporary residence permit in the Member State.**
- 3) Is it possible to submit an application for initial temporary residence permit electronically? If yes, please specify who are entitled to do it and on what conditions can it be done.**

Summary of responses

Only in the reply for 3 countries (BG, IT, and PT) was it stated that there was no general rule that an application for a temporary residence permit had to be submitted at a foreign service mission abroad. For all the other countries exceptions to the general rule were described, but not in a standard fashion which would facilitate comparisons, however. Most frequently mentioned as a condition for such exceptions were that the person was already legally in the country. Another frequently mentioned condition was that s/he was a citizen of a visa-free country. Having a family relationship to a citizen or a person already having a long term or permanent residence permit was mentioned for many countries. For one country it was mentioned that having an ancestor from that country would qualify as an exception. Applying for a work permit as researcher, university teacher, performing artist, sports person, or graduate from studies would also be possible when in several of the countries. Medical treatment was also mentioned for a few countries as a basis for making an exception to the general rule. Crew members of an aircraft or ship, and off shore workers, were mentioned by UK and NO.

Only for 5 countries (FI, NL, SE, UK and NO) were it possible to submit the application electronically, and for FI and NL this only applies to applications for certain types of work permits. Applications for asylum are excepted in all these countries, and in all countries the applicant has to present his/herself at a designated foreign service mission for registration of biometric characteristics before the permit can be issued. For one country (LA) it was reported preparations for electronic applications are under way.