



EMN Ad-Hoc Query on SI AHQ on the framework of an intra-corporate transfer based on EU Directive No. 2014/66/EU.

Requested by Helena KOROSEC on 10th October 2016

Residence

Responses from Cyprus, France, Netherlands, Poland, Portugal, Slovenia (6 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.



Background information:


Ministry of the Interior of R Slovenia is in the process of adopting some modifications to the Alien Act based on the applicable EU legislation. SI would appreciate it very much if Member States could share information about their national regulation in case of issuing permits to those third country nationals (TCNs) who applied in the framework of an intra-corporate transfer based on provisions adopted by the Directive No. 2014/66/EU (Articles 5 and 11). Please reply on the following questions


Questions



1. Does your Member State required that ICT should have sufficient resources during his or her stay to maintain himself or herself and his or her family members without having recourse to the Member States' social assistance systems (Article 5 (5))?
2. Base on which type of permit your national legislation enabling ICT long-term mobility (Article 11)?
3. Does your Member State implementing simplified procedures for issuing ICT residence permits for entities or undertakings or groups of undertakings that have been recognise for such purpose? (Article 11 (6))?

Responses

	Country	Wider Dissemination	Response
	Cyprus	Yes	<ol style="list-style-type: none">1. Yes2. Residence permit of long term mobility with the remark “mobile ICT”3. Yes, it is optional (“The Council of Ministers may determine...”)
	France	Yes	<ol style="list-style-type: none">1. France requires a compensation at least equivalent to the minimum guaranteed salary (1,466.62 euros gross per month for 35 hours) for ICT workers. However in order to benefit from a pluriennial (multi-year) residence permit called “talent passport” dedicated to international talents, the threshold of the compensation is 1.8 times the minimum guaranteed salary.

			<p>2. The law of 7 march 2016 related to the right of foreigners in France has created the plurennial (multi-year) residence permit for a maximum duration of 3 years with the mention “ICT mobility”. The duration of this permit will correspond to the duration of the temporary transfer to France. This measure has been enforced as from November 1, 2016.</p> <p>3. NO</p>
	Netherlands	Yes	<p>1. NOTE: The Directive has not been implemented yet, but is expected to be implemented by the end of November. In the following we describe how the situation will be after the implementation: Yes. Not having sufficient resources is already a ground for rejecting an application under current legislation. The transposition of the Directive into national law entails that this ground for rejection will also apply to Intra-Corporate-Transferees.</p> <p>2. NOTE: The Directive has not been implemented yet, but is expected to be implemented by the end of November. In the following we describe how the situation will be after the implementation: Yes. Not having sufficient resources is already a ground for rejecting an application under current legislation. The transposition of the Directive into national law entails that this ground for rejection will also apply to Intra-Corporate-Transferees.</p> <p>3. NOTE: The Directive has not been implemented yet, but is expected to be implemented by the end of November. In the following we describe how the situation will be after the implementation: Intra-corporate transferees that exercise long-term mobility receive the same permit as intra-corporate transferees that are not mobile. They both receive a regular temporary residence permit for the purpose for intra-cooperate transfer (verblijfsvergunning regulier voor bepaalde tijd wordt onder de beperking “overplaatsing binnen een onderneming”).</p> <p>4. NOTE: The Directive has not been implemented yet, but is expected to be implemented by the end of November. In the following we describe how the situation will be after the implementation: Intra-corporate transferees that exercise long-term mobility receive the same permit as intra-corporate transferees that are not mobile. They both receive a regular temporary residence permit</p>

			<p>for the purpose for intra-cooperate transfer (verblijfsvergunning regulier voor bepaalde tijd wordt onder de beperking “overplaatsing binnen een onderneming”).</p> <p>5. NOTE: The Directive has not been implemented yet, but is expected to be implemented by the end of November. In the following we describe how the situation will be after the implementation: Yes. The Netherlands already has a simplified procedure in place of recognized sponsors. Companies or other organizations that often bring foreign employees to Europe can apply for the status of ‘recognized sponsor’ at the Dutch Immigration Service. Being a recognized sponsor has various advantages, such as access to an accelerated</p> <p>6. NOTE: The Directive has not been implemented yet, but is expected to be implemented by the end of November. In the following we describe how the situation will be after the implementation: Yes. The Netherlands already has a simplified procedure in place for recognized sponsors. Companies or other organizations that often bring foreign employees to Europe can apply for the status of ‘recognized sponsor’ at the Dutch Immigration Service. Being a recognized sponsor has various advantages, such as access to an accelerated admission procedure (decision within 2 weeks) and that less documentary evidence is required.</p>
	Poland	Yes	<p>1. The draft legislative act aiming at the transposition of the ICT Directive into Polish legal order stipulates that the amount of remuneration of intra-corporate transferee should be higher than the amount of income entitling to social assistance benefits specified in the Act of 12 March 2004 on the Social assistance, in relation to a foreigner as well as each dependent family member.</p> <p>2. The draft legislative act aiming at the transposition of the ICT Directive into Polish legal order stipulates that the long-term mobility of intra-corporate transferees is allowed on Polish territory on a basis of residence permit for long term mobility issued by Polish authority upon application.</p> <p>3. The draft legislative act aiming at the transposition of the ICT Directive into Polish legal order does not provide for simplified procedures for entities or undertakings or groups of undertakings that have been recognised for such purpose, in accordance with Art. 11 (6) of the ICT Directive.</p>

	Portugal	Yes	<ol style="list-style-type: none"> 1. The Directive isn't published yet, but PT is working to transpose it as soon as possible. 2. - 3. -
	Slovenia	Yes	<ol style="list-style-type: none"> 1. We have not foreseen this option in our legislation. 2. Base on lodged application for long-term mobility, we issue residence permit for ICT (with remark "mobile ICT"). 3. We have not foreseen this option in our legislation.