



Ad-Hoc Query on the impact of start-up policies for third country nationals

Requested by ES EMN NCP on 15th December 2015

Reply requested by 4th January 2016

Compilation produced on 24th March 2016

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Spain, Sweden, United Kingdom plus Norway (21 in Total)

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1. Background Information

The European Agenda on migration states the positive contribution to economic growth of entrepreneurs.

In addition to that, the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions of 28th of October of 2015 indicates that rules on attracting entrepreneurs, combined with support measures helping

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them to operate in the Single Market, could make Europe a more attractive destination for innovators from outside the EU. This could boost the creation of start-ups in Europe.

The Spanish NCP considers that having information about the impact of national schemes for startups is crucial for better design the policies.

Spain specifically would like to ask the following questions:



1. Does your Member State have a specific policy to attract and facilitate start-ups from outside the EU through a start-up visa/permit?

If yes,

2. How many start-up visas or residence permits have been granted? By year
3. Which are the main nationalities of the beneficiaries of the visas/permits?

We would very much appreciate your responses **by 4th January 2016**.



2. Responses¹

		Wider Dissemination? ²	
	Austria	Yes	<ol style="list-style-type: none"> 1. No. 2. N/A. 3. N/A.
	Belgium	Yes	<ol style="list-style-type: none"> 1. Belgium has no specific policy to attract and facilitate start-ups from outside the EU through a start-up visa/permit. 2. Not applicable 3. Not applicable



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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	Bulgaria	Yes	1. No.				
	Croatia	Yes	<p>1. Does your Member State have a specific policy to attract and facilitate start-ups from outside the EU through a start-up visa/permit?</p> <p>The Foreigners Act (OG, 130/11 & 74/13) prescribes the conditions under which a residence and work permit can be issued outside the annual quota to a foreigners <i>who are self-employed in own companies or in companies in which they hold a share exceeding 51% or their own craft businesses (established in the Republic of Croatia).</i></p> <p>Residence and work permit outside the annual quota may be issued if the general conditions for approval of temporary residence are met (if he/she justifies the purpose of temporary residence, holds a valid travel document, has means of supporting himself, has health insurance, his entry and residence in the Republic of Croatia is not prohibited and does not pose a danger for public order, national security or public health) and encloses the employment contract (not for craft owner), proof of the registration of a company or a craft in the Republic of Croatia</p> <p>Also, there are additional conditions to be fulfilled for this category:</p> <ul style="list-style-type: none"> - <i>Foreigners who are self-employed</i> <ol style="list-style-type: none"> 1. he/she invested at least HRK 200.000,00 in the establishment of a company or craft, 2. at least three Croatian nationals have been employed, 3. his gross salary corresponds, at least to the amount of an average gross salary paid in the Republic of Croatia in the previous year, following the official data of the competent statistical body, if it concerns a foreigner, self-employed in his own company or in a company where he holds an ownership of share exceeding 51 %, while a foreigner, self-employed in his own craft business shall be obliged to prove the same amount of income, realized through such an employment, 4. the company or craft runs a business without losses, 5. he/she encloses proof of the settled tax obligations and contributions in the Republic of Croatia. <p>Exceptionally, foreigner applying for first residence and work permit in a newly established craft, have to provide the following: proof that the business has been registered in the Register of Crafts and Trades, and the proof of having met the requirements of investment in tangible and intangible assets in the amount of HRK 200,000.</p> <p>Once the first stay and work permit outside the annual quota has been issued, an alien has to submit to the competent police administration or a police station, no later than 6 months, a sole trader licence or a decision on registering the first day of work of his/her business and copies of contracts of employment and health and pension insurance registration for at least 3 Croatian nationals.</p> <p>If yes,</p> <p>2. How many start-up visas or residence permits have been granted? By year</p> <table border="1" data-bbox="667 1289 1323 1415"> <thead> <tr> <th data-bbox="667 1289 824 1326">Year</th> <th data-bbox="824 1289 1323 1415">Number of residence and work permits issued to foreigners who are self-employed in own companies or in companies in which they hold a share exceeding 51% or in their</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 1326 824 1415"></td> <td data-bbox="824 1326 1323 1415"></td> </tr> </tbody> </table>	Year	Number of residence and work permits issued to foreigners who are self-employed in own companies or in companies in which they hold a share exceeding 51% or in their		
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	Cyprus	Yes	1. No, Cyprus does not have such a policy to attract and facilitate start-ups outside the EU through a start-up visa/permit. 2. n/a 3. n/a																
	Czech Republic	Yes	1. No.																








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			<p>However, a new amendment to the Act on Residence of Foreign Nationals is being prepared which would include the programmes of legal migration whose participants will have advantages while obtaining visas for businessmen.</p> <p>The amendment does authorize the Government – by its regulation – to set up assessment criteria for the creation of the governmental programme for the purpose of achieving economic or other important profit to the Czech Republic. These programmes will be organizationally secured and coordinated by the relevant ministry or by other central administrative authority. The programmes are related to the economic purposes of stay. The participants of the governmental programmes will be eligible to some benefits.</p> <p>2. N/A 3. N/A</p>
	Denmark	Yes	
	Estonia	Yes	<p>1. Does your Member State have a specific policy to attract and facilitate start-ups from outside the EU through a start-up visa/permit?</p> <p>In general for start-ups Estonia is issuing temporary residence permits for enterprise. There is no visa/residence permit exclusively for start-ups, but there is a special policy for companies which have been registered in Estonia for less than 12 months and commences operation with the support of the state or private investments, having received investment or loan from the state or a private management company licenced by the Financial Supervision Authority or a support from a public support measure. If normally for obtaining a temporary residence permit for enterprise the third country national who has a holding in a company is required to have the capital amount of at least 65 000 euros, then the abovementioned companies are exempt from this obligation.</p> <p>Additionally, the third country national who is applying for the residence permit for enterprise and whose company is in compliance with the above-mentioned conditions, is allowed to apply for the temporary residence permit at the Police and Border Guard Board and is therefore exempt from the obligation to apply at a foreign mission of Estonia. Same exception applies to the persons spouse, a minor child and an adult child who is unable to cope independently.</p> <p>Furthermore, for acquiring a temporary residence permit for working in the abovementioned companies there is no need for the permission of the Estonian Unemployment Insurance Fund as foreseen as a general rule for applying for the temporary permit for employment. Therefore it is made easier for start-ups to hire people.</p> <p>2. How many start-up visas or residence permits have been granted? By year</p> <p>As in Estonia there are no specific visas/residence permits exclusively for start-ups, we are unable to provide the information.</p> <p>3. Which are the main nationalities of the beneficiaries of the visas/permits?</p> <p>As in Estonia there are no specific visas/residence permits exclusively for start-ups, we are unable to provide the information.</p>
	Finland	Yes	<p>1. No 2. We don't have start-up visas or residence permits 3. N / A</p>







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	France	Yes	<p>1. France has not implemented so far a specific policy to facilitate start-ups through a dedicated visa/permit. If a third country national (TCN) intends to set up a business in France, he/she needs to apply for a permit dedicated to corporate officers / general managers. The issuance of this permit is subject to proofs of economic viability of the project and the related incomes as well as police record and sworn declarations attesting that the applicant was not condemned for bankruptcy or other issues in the country of origin and most recent countries of residence.</p> <p>A draft law on foreigners is under discussion at the French Parliament: it prevails to issue a multiyear specific permit to the holder of a start-up project (and to his/her family members). However this process can be modified during the discussions to come and the conditions to fulfill will be decided later on.</p> <p>Other measures aimed to promoting start up environment in France have already been implemented:</p> <ul style="list-style-type: none"> - The French Tech Ticket is a program designed for non-French entrepreneurs from all over the world who want to set-up their startup in Paris: it includes in particular prize money, a fast-track procedure to obtain a French residence permit, tailored program of events and mentoring sessions to support your startup's development, and free office space at a leading incubator. The first applications were registered in June 2015 and the first 50 winners announced in December 2015. - A status of "student – entrepreneur" and its related diploma have been created in September 2014 <p>2&3. Since there is no residence permit dedicated to start-ups but a residence permit issued to various categories of investors and managers, it is not possible to identify the number of start-ups concerned by such residence permits and their nationalities. Moreover the French Tech ticket program is too recent.</p>
	Germany	Yes	<p>1. Yes. While start-up entrepreneurs from non-EU Member States will generally have to meet the preconditions for being granted a residence permit for the purpose of self-employment pursuant to section 21 of the German Residence Act (<i>Aufenthaltsgesetz</i>, "AufenthG"), several provisions make it easier for certain groups of non-EU persons to become self-employed in Germany. These groups include: (1) university graduates who have obtained their degree in Germany (section 16 (4) AufenthG); (2) skilled workers who have done their vocational training in Germany (section 17 (1) AufenthG); (3) researchers who are already working at a German research establishment (section 20 AufenthG); (4) university graduates who live abroad and who have obtained a German degree or a foreign degree which is comparable to a German degree. In addition to these groups, (5) persons who have been granted a residence permit under international law or for humanitarian or political reasons and who hold a residence title pursuant to section 22 sentence 2 AufenthG, section 23 (2) AufenthG, section 25 (1) AufenthG, section 25 (2) AufenthG, section 26 (3) AufenthG or section 26 (4) AufenthG have unlimited access to self-employment and are not subject to the requirements of section 21 AufenthG.</p> <p>2. No statistical data on the reasons for the issuance of visa.</p> <p>3. No statistical data on the nationalities with visa.</p>
	Greece	Yes	
	Hungary	Yes	<p>1. No</p> <p>2. N/a</p> <p>3. N/a.</p>




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	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Italy	Yes	
	Latvia	Yes	<ol style="list-style-type: none"> Latvia does not have special policy for start-ups however there is a program for businessmen providing a possibility to obtain a residence permit in case if a third-country citizen has made an investment in an existing company or if s/he establishes a new company. The minimum amount of investment is 35 000 EUR. The above-mentioned program is in force from 1st July 2010. Number of issued permits – 2010. – 8, 2011 – 53, 2012 – 125, 2013 – 266, 2014 – 160, 2015 – 56. The decrease of numbers of issued permits can be explained by introduction of more strict rules regarding taxes that should be paid in order to prove the economic benefit for the country. Main nationalities in 2015 – Russia (93), Ukraine (31), China (21).
	Lithuania	Yes	<ol style="list-style-type: none"> At the moment, Lithuania has no specific policy to attract and facilitate start-ups from outside EU through a start-up visa or permit. Such entrepreneurs can come under a national D visa or Schengen visa and start their activity in Lithuania. However, Ministry of the Interior, in cooperation with other relevant institutions, is preparing a proposal to introduce a new ground for a temporary residence permit, namely, for third country national entrepreneurs, who come to pursue legal activity, linked to innovations.
	Luxembourg	Yes	<ol style="list-style-type: none"> No. Luxembourg does not have a specific policy to attract and facilitate start-ups from outside the EU through a start-up authorisation of stay nor a residence permit for third-country nationals. N/A. N/A.
	Malta	Yes	
	Netherlands	Yes	<ol style="list-style-type: none"> Does your Member State have a specific policy to attract and facilitate start-ups from outside the EU through a start-up visa/permit? <p>Yes. Since January 1st 2015 ambitious entrepreneurs can apply for the start-up permit. The residence permit is valid for one year. In that year, the third country national entrepreneur will be able to start up a business under the guidance of an experienced facilitator (such as accelerator programs or incubators). After one year the entrepreneur can extend the permit on the basis of the regular entrepreneurs scheme.</p> How many start-up visas or residence permits have been granted? By year <p>Between January and 26 November 2015 90 applications are submitted. Almost 20 residence permits are granted. 20 applications were negative and 10 were withdrawn. Almost 30 applications must still be . With these applications 8 different facilitators are involved.</p>

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			<p>3. Which are the main nationalities of the beneficiaries of the visas/permits?</p> <p>The main nationalities are from the United States, Russia or Canada.</p>
	Poland	Yes	
	Portugal	Yes	
	Romania	Yes	
	Slovak Republic	Yes	<ol style="list-style-type: none"> 1. On 10 June 2015, Government of the Slovak Republic passed the Conception for the support of start-ups and development of start-up ecosystem in the Slovak Republic (hereinafter as Conception). Its aim is to strengthen the entrepreneurial environment and to create preconditions for the support of start-ups' development and support of employment of young Slovak nationals as well as foreign experts. One of the proposed measures of the Conception was issuing of visas for start-up experts from non-EU countries ("start-up visa"). It is expected that the "startup visa" will be fully functional by the end of the first quarter of 2016. 2. NA 3. NA
	Slovenia	Yes	
	Spain	Yes	<ol style="list-style-type: none"> 1. Yes. Since 2013, Spain has a specific policy to facilitate the admission and residence of third country nationals entrepreneurs. <p>There is an entrepreneur visa for third country nationals who are abroad and want to come to Spain for startup a business. And, for those cases where the entrepreneurs is already in the territory, there is an entrepreneur residence permit.</p> <p>A report issued by the Ministry of Economy and Competitiveness about the economic activity is always needed.</p> 2. From September 2013 to October 2013 : <p>37 entrepreneur's visa 143 entrepreneur's residence permit</p> 3. Analyzing the reports issued by the Ministry of Economy and Competitiveness, the main nationalities are: <p>USA: 32 reports- 20% of the reports Russia: 18 reports-12% of the reports Venezuela: 12 reports- 7% of the reports India: 7 reports- 4% of the reports</p>

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			Libya: 6 reports- 3.7% of the reports.
	Sweden	Yes	<p>1. Does your Member State have a specific policy to attract and facilitate start-ups from outside the EU through a start-up visa/permit? No. In Sweden, third-country nationals can receive a residence permit to either start up their own business (as self-employed people), or to acquire an already existing business. The legal basis for this is Chapter 5, Section 5, Paragraph 2, of the Swedish Aliens Act. There is however no specific policy to attract or facilitate start-ups from outside the EU other than by means of providing easy-to-understand information regarding immigration of self-employed people on the webpage of the Swedish Migration Agency.</p> <p>2. How many start-up visas or residence permits have been granted? By year In 2014, Sweden granted 233 first-time residence permits for self-employment purposes. This includes residence permits for third-country nationals who wanted to start up their own business in Sweden and for those who wanted to acquire an existing business. The corresponding figures are 300 for the year 2013, and 350 for 2012. So far in 2015 (1 January - 29 December 2015), 306 residence permits were granted for self-employment purposes.</p> <p>3. Which are the main nationalities of the beneficiaries of the visas/permits? In 2015, the main nationalities were China (59), Iran (43), Pakistan (33), India (17), and Iraq (16).</p>
	United Kingdom	Yes	<p>1. The UK has a specific entrepreneur Visa for nationals outside the EEA and Switzerland. Information to this Visa can be found here: https://www.gov.uk/tier-1-entrepreneur/overview</p> <p>2. In Q4 of 2014, 257 entrepreneur Visas were granted. Between Q1 to Q3 2015, 719 Visas were granted.</p> <p>3. I'm afraid we do not have a breakdown of this category by nationality.</p>
	Norway	Yes	<p>1. N/A We understand start-up to mean the same as an entrepreneur/ startup company. Norway does not have specific residence permits solely for those planning to establish a business activity. So, for that reason, we unfortunately do not have database categories that can provide the type of data this AHQ requests.</p> <p>A residence permit for self-employed persons etc. can be assigned to skilled persons who intend to establish and operate a permanent business activity (sole proprietorship) in Norway and who come from countries outside the EU/EEA. Such a permit can only be granted if the applicant intends to set up and operate a personal business in Norway and if the planned business is of a permanent nature.</p> <p>See also:</p>

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			http://www.technoport.no/content/519/Norways-New-Plan-for-Entrepreneurship 2. <u>N/A</u> 3. <u>N/A</u>
