



## **Ad-Hoc Query on Specific Visa and Residence policy to Chinese Nationals**

**Requested by CZ NCP from selected Member States on 20<sup>th</sup> May 2014**

**Compilation produced on 11<sup>th</sup> August 2014**

**Responses from [Austria](#), [Czech Republic](#), [France](#), [Germany](#), [Hungary](#), [Italy](#) and [Poland](#) (7 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**

In order to meet urgent need to inform policymakers on existing specifically favourable admission (visa and residence) policy towards Chinese nationals (especially businessmen, investors, key employees), CZ NCP asked selected member states the following question:

**Do you have a specific visa and residence policy (facilitation, fast-tracking, schemes) for Chinese nationals? If so, please provide information on key features of the policy or available documents, publicity materials, and links to websites containing the information.**

The answers provided for the following **conclusions**:

None of the countries has a specific policy towards Chinese citizens as regards issuance of visa and residence permits.






## EMN Ad-Hoc Query: Issuing an Entry Ban for a Person Residing Abroad

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France, Germany and Italy introduced accelerated procedure of short-stay visa applications concerning Chinese nationals in general (FR, DE) or Chinese businessmen (IT). The shortened deadline for deciding on the applications varies between 2 days (FR) to 5-10 days (DE). This is allowed by making use of s.c. visa centres, i.e. outsourcing the collection of applications to private companies.



While not having introduced any policy specifically targeted at Chinese nationals, in 2014 Hungary introduced a scheme for third country investors in state bonds in which Chinese nationals showed major interest. In Poland, general rules apply - the legal bases which regulate work performance by foreign nationals in the territory of Poland are international agreements, Community acts, national legislation acts and also local legal acts.

### 2. Responses

		Wider Dissemination?	
	<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>Czech Republic</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>France</b>	<b>Yes</b>	<p>Since January 27th 2014, the processing time for short-stay individual visa applications of Chinese nationals has been reduced to 48h from the time of submission of the application at the Visa center.</p> <p>There is no other specific visa and residence policy for Chinese nationals, other than based on the category of migrants (spouse of a French national for instance).</p> <p>More information about the different visa procedures for Chinese nationals are available on the website of the French embassy in China: <a href="http://www.ambafrance-cn.org/Aller-en-France-赴法签证.html?lang=fr">http://www.ambafrance-cn.org/Aller-en-France-赴法签证.html?lang=fr</a></p> <p>Information in English are also available on the website of the specialised company in charge of the applications: <a href="https://cn.tlscontact.com/cnBJS2fr/page.php?pid=delay&amp;l=en">https://cn.tlscontact.com/cnBJS2fr/page.php?pid=delay&amp;l=en</a></p>
	<b>Germany</b>	<b>Yes</b>	<p>There is no specific visa or residence title policy for Chinese nationals. However, as in other countries, an accelerated and streamlined visa procedure has been introduced. Chinese nationals can make their visa application not only at a German embassy, but also at a visa application centre, which is run under the supervision and direction of the German embassy. For more details see <a href="http://www.china.diplo.de/Vertretung/china/de/01-Visa-und-Konsularservice/01-visa/01-schengenvisa/01-antragstellung-VAC/01-antragstellung-vac.html">http://www.china.diplo.de/Vertretung/china/de/01-Visa-und-Konsularservice/01-visa/01-schengenvisa/01-antragstellung-VAC/01-antragstellung-vac.html</a> (in German) or <a href="https://cn.tlscontact.org/cnBJS2de/splash.php?l=en">https://cn.tlscontact.org/cnBJS2de/splash.php?l=en</a> (in English).</p>
	<b>Hungary</b>	<b>Yes</b>	No. Hungary does not apply any specific visa/residence policy vis-à-vis Chinese nationals. Nevertheless, between May 2013 and December 2013, 440 applications were submitted (out of which 434 were granted) in order to obtain residence permits for investors;

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			<p>the majority of these applications (429) were submitted by Chinese citizens. In December 2012 the Hungarian Parliament adopted the Act CCXX of 2012 on amending Act II of 2007 on the Entry and Stay of Third-Country Nationals with the aim of enhancing investment migration. As a result, any third-country national whose investments in Hungary qualify his or her entry and stay as being “in the interest of the economy at large” may receive a residence permit. For this purposes a third-country national’s stay in Hungary is considered to be “in the interest of the economy at large” in particular if the third-country national verifies that he/she or a company in which he/she holds a majority stake owns a security with a nominal value of at least EUR 250.000 and a duration of at least five years. The security is issued by an enterprise that invests exclusively in zero-coupon Hungarian government bonds issued for this particular purpose with a nominal value of EUR 250.000 and a duration of at least five years, and does so only under the conditions specified in the Ministry for National Economy Decree 4/2013 (II.19) on the specific rules for issuing the government bonds specified in the Entry and Stay of Third-Country Nationals Act. Third-country nationals fulfilling the conditions described above can receive a residence permit for “other” purpose. Having obtained this specific type of residence permit for 6 months, they can apply for a national long-term residence permit, which allows its holder to establish permanent residence in Hungary for an indefinite time. The application for the national long-term residence permit may be submitted at a consulate of Hungary abroad, and the issued national long-term residence permit cannot be withdrawn based on the holder’s permanent absence from Hungary.</p>
	<b>Italy</b>	<b>Yes</b>	<p>The Italian Embassy in Beijing uses the services of <b>Italy Visa Application Center (IVAC)</b>: IVAC is a privately-run service company, authorized by this Embassy to receive visa applications, even if any assessment and decision on visa is taken by the Embassy only.</p> <p><b>Business Fast Track.</b></p> <p>Through the IVAC service, trade partners and foreign staff of the member companies of the Italian Chamber of Commerce in China (CCIC) and the Italy-China Foundation receive benefits from facilitations in the visa application procedure on the basis of the Memoranda of Understanding between the Embassy, CCIC and the Foundation.</p> <p>The facilitations consist of :</p> <ul style="list-style-type: none"> <li>- Exemption from the interview;</li> <li>- Issue of the visa in three working days.</li> </ul> <p>See  <a href="http://www.ambpechino.esteri.it/Templates/PaginaInterna.aspx?NRMODE=Published&amp;NRNODEGUID=%7b6B2BAA89-0AFE-4732-B033-469CF77174A2%7d&amp;NRORIGINALURL=%2fAmbasciata_Pechino%2fMenu%2fInformazioni_e_servizi%2fVisti%2f&amp;NRCACHEHINT=NoModifyGuest">http://www.ambpechino.esteri.it/Templates/PaginaInterna.aspx?NRMODE=Published&amp;NRNODEGUID=%7b6B2BAA89-0AFE-4732-B033-469CF77174A2%7d&amp;NRORIGINALURL=%2fAmbasciata_Pechino%2fMenu%2fInformazioni_e_servizi%2fVisti%2f&amp;NRCACHEHINT=NoModifyGuest</a></p>
	<b>Poland</b>	<b>Yes</b>	<p>No. General rules apply.</p> <p>The legal bases which regulate work performance by foreign nationals in the territory of Poland are international agreements, Community acts and national legislation acts, i.e.:</p> <ul style="list-style-type: none"> <li>o the Act of 20 April 2004 on employment promotion and labour market institutions [Journal of Laws of 2013 item 674] in particular Articles 2 and 87-90;</li> <li>o the Act of 12 December 2013 on foreigners [Journal of Laws of 2013 item 1650] – in particular Articles 114 - 143;</li> <li>o the Act of 26 June 1974 Labour Code [Journal of Laws of 2014 item 208] in particular Part II Chapter II<sup>a</sup> ;</li> </ul>

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			<ul style="list-style-type: none"><li>○ the Act of 7 September 2007 on the Card of the Pole [Journal of Laws of 2007, Nr 180, item 1280];</li><li>○ the implementing Regulations of the Minister of Labour and Social Policy:<ul style="list-style-type: none"><li>• the Regulation of 1 February 2009 <i>on issuing the work permit for foreigners</i> (OJ of 2009, No. 16, item 84);</li><li>• the Regulation of 29 January 2009 <i>on determining cases in which the work permit for foreigners is issued regardless of detailed conditions concerning issuance of the work permit for foreigners</i> (OJ of 2009, No. 16, item 85);</li><li>• the Regulation of 20 July 2011 <i>on performing work by foreigners without the obligation to obtain the work permit</i> [Journal of Laws of 2011, No. 155, item 919];</li><li>• The Regulation of 10 December 2013 <i>on the amount of fees to be paid by foreigners on submitting application for work permit</i> [Journal of Laws of 2013 item 1644].</li></ul></li></ul> <p>Additionally it is necessary to mention also the local legal acts, i.e. the voivodship criteria concerning the issuance of work permits for foreign nationals.</p>
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