



Ad-Hoc Query on Lodging an Application for a Long-Term Residence

Requested by SK EMN NCP on 13th May 2014

Compilation produced on 8th July 2014

Responses from Austria, Belgium, Estonia, Finland, France, Greece, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Sweden, United Kingdom plus Norway (19 in Total)

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1. Background Information

According to the national legislation of the Slovak Republic, a third-country national with a short-term stay in Slovakia based on a granted Schengen visa or visa-free regime has right to submit an application for a national long-term residence in the Slovak territory. The Slovak Republic regularly deals with practical problems arising from the current national legislation and therefore it is considering its amendment. The EU acquis is not clear in this regard as it explicitly does not ban a third-country national from lodging an application for a national residence during his/her stay in the Member State based on a granted Schengen visa.

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The Slovak Republic would therefore very much appreciate any information related to the following questions:

1. Does your national legislation enable a third-country national who is residing in the territory of your Member State with granted Schengen visa to apply for a national residence in the territory of your Member State?

If yes, does this apply for all categories of third-country nationals or only for specific categories (please list)?



2. Does your national legislation enable a third-country national who is residing in the territory of your Member State based on visa-free regime to apply for a national residence in the territory of your Member State?

If yes, does this apply for all categories of third-country nationals or only for specific categories (please list)?

3. Does your national legislation consider such an action of a third-country national (lodging an application for a national residence) as a misuse of a Schengen visa?

We would appreciate your response by **13th June 2014**.


2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<ol style="list-style-type: none"> 1. The Belgian legislation expressly authorizes third-country nationals to apply for a long stay on the territory while having entered Belgium for a short stay, regardless of whether they must or not be in possession of a visa as foreseen in COUNCIL REGULATION (EC) No 539/2001. According to Article 9 of the Belgian Immigration Act, the application for long-term residence must, in principle, be submitted abroad, in the competent Belgian diplomatic or consular post. This takes the form of an application for long-stay visa. However, this rule is subject to exceptions provided by international law, by law or by royal decree. Thus, notwithstanding the general rule, a foreigner who has come to Belgium for a short stay can apply for a long stay in the territory particularly in the following cases: <ol style="list-style-type: none"> i. If he justifies exceptional circumstances, in accordance with Article 9bis and 9quater of the Immigration Act;

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			<p>ii. If he suffers from an illness that entails a real risk to the life or physical integrity or a real risk of inhuman or degrading treatment when no adequate treatment is available in the country of origin or in the country where he lived, in accordance with Article 9ter and 9quater of the Immigration Act;</p> <p>iii. For family reunification with a third country national who is long-term residing in the Kingdom, in accordance, depending on the case, with Article 10 of the Immigration Act in conjunction with Article 12a of the Act and Articles 26 and 26/1 of the Royal decree of 8 October 1981; Article 10bis of the Immigration Act in conjunction with Article 10ter of the Act and Articles 26/2 and 26/2/1 of the Royal Decree of 8 October 1981;</p> <p>The third-country national who has entered Belgium for a short stay has this possibility under certain conditions:</p> <ul style="list-style-type: none"> a) Either justify exceptional circumstances that prevent him from returning to his country of origin to introduce his application for long-stay visa over there; b) Or prove that he is a minor and the family reunification application should be submitted before the expiry of the short stay; c) Or, when a visa is required as foreseen in Regulation 539/2001, prove that it has been issued with a view to getting married or entering into partnership (legal cohabitation), and that visa is valid and the marriage or partnership has been concluded before the expiry of the visa; and the family reunification application should be submitted before the expiry of the short stay; d) Or, when a visa isn't required as foreseen in Regulation 539/2001, the family reunification application should be submitted before the expiry of the short stay. <p>iv. For family reunification with a citizen of the Union or a third country national enjoying equal rights in terms of freedom of movement or a Belgian citizen, in accordance, depending on the case, with Articles 40bis and 40ter of the Immigration Act in conjunction with Article 42 of the Act and Articles 52, 69bis, 69ter and 69sexies of the Royal Decree of 8 October 1981.</p> <p>The Directive 2004/38/EC confers a right to short stay and a right to long stay to the members of the family of a Union citizen who are nationals of third countries, under certain conditions. It expressly provides that the family member card attesting recognition of the right of residence for more than three months must be requested within a period which may not be less than three months after arriving on the territory.</p> <p>v. To stay longer than three months in Belgium as an employee or self-employed, in accordance with Article 25/2 of the Royal Decree of 8 October 1981 (Art. 25/2, § 1, paragraph 1, 1°); the application must be filed before the expiration of the stay;</p> <p>vi. To stay longer than three months in Belgium for specified purposes (other than work or family reunification) and under the conditions provided by law or royal decree (Art. 25/2, §1, paragraph 1, 2°); the application must be filed before the expiration of the stay. This possibility is especially offered to nationals of third countries who wish to stay on the territory as students (Art 58, Immigration Act), researchers (art.61/11, Immigration Act) or exercising the right of residence as beneficiaries of the status of long-term resident in another Member State (Art.61/7, Immigration Act).</p>
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			<p>2. As above.</p> <p>3. The Belgian legislation doesn't consider such an action as a misuse of a Schengen visa as it expressly authorizes a third-country national who has entered in Belgium with a short-stay visa to submit an application for long-term residence on the territory. It is only when the foreigner stays on the territory after the expiry of his short-stay visa without having obtained its extension or without having been authorized to stay for another reason under the law or Union law that he will be considered as having misused the Schengen visa.</p> <p>It is worth noting that several directives allow Member States to admit foreigners to stay longer than three months (90 days) while they short-term stay on their territory, regardless of whether they are subject to visa requirement under Regulation 539/2001. For example, Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers and Directive 2014/66/EU the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third country in the framework of an intra-corporate transfer. .</p> <p>It should also be noted that Article 25 of the Schengen Convention obliges the Schengen States to systematically consult the SIS prior to the issuance of a residence permit (or a long-stay visa). In case the person is reported for the purpose of refusing entry, the issuing State must be consulted and its interests taken into account. In this case, the residence permit may only be issued if justified by serious reasons.</p> <p>Sources :</p> <ul style="list-style-type: none"> • Immigration Office – Study unit • Immigration Act • Royal decree of 8 October 1981 • Council Regulation (EC) N° 539/2001 • Directive 2014/36/UE • Directive 2014/66/EU • Directive 2004/38/EC
	<p>Estonia</p>	<p>Yes</p>	<p>1. Person may as an exception submit an application at a Service Office of the Citizenship and Migration Bureau of the Police and Border Guard Board, if the applicant is:</p> <ul style="list-style-type: none"> - spouse of a citizen of Estonia; - spouse of a person who is Estonian by nationality; - an alien who is staying in Estonia on the basis of a temporary residence permit; - spouse of a person who is applying for residence permit for Master's or Doctor's degree studies; - spouse of a person who is applying for residence permit for scientific research or for employment as teacher or


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			<ul style="list-style-type: none"> - lecturer or for employment as top specialist; - spouse of a domestic applicant for residence permit for enterprise; - a citizen of a foreign state, with whom Estonia has entered into an agreement of visa-free travel or the visa requirement has been waived from (info www.vm.ee); - a citizen of the United States of America or Japan and his/her spouse and minor child; - an alien who holds an EU blue card issued by another Member State of the European Union, who is applying for an EU blue card in Estonia; - spouse of an alien holding an EU blue card issued by another Member State of the European Union, who holds a residence permit issued by another Member State of the European Union to a family member of an alien holding an EU blue card, who is applying for residence permit in Estonia for settling with his/her spouse. The named applicant must apply, at the latest after the lapse of one month from the date of entry into Estonia, for a residence permit for settling with his/her spouse. <p>The stay in Estonia of spouse of an alien holding an EU blue card issued by another Member State of the European Union who is applying for an EU blue card in Estonia is legal until the decision making, if such spouse holds a residence permit issued by another Member State of the European Union to a family member of an alien holding an EU blue card, and he/she is applying for residence permit in Estonia for settling with his/her spouse with the purpose of settling to reside with an alien applying for an EU blue card.</p> <p>Police and Border Guard Board shall decide on granting a right to submit an internal application for temporary residence permit to a person, who's settling to reside in Estonia serves the public interests according to the motivated proposition of a member of the Government of the Republic. For that purpose such alien must address in person, and taking along the motivated proposition of a member of the Government of the Republic, a Service Office of the Citizenship and Migration Bureau of the Police and Border Guard Board.</p> <p>3. No</p>
	<p>Finland</p>	<p align="center">Yes</p>	<p>1. As a general rule, a TCN is obliged to apply for a residence permit before entering Finland, either from his/her country of origin or the country of his/her present residence.</p> <p>In some cases, it is possible to submit an application for a first residence permit, when the person has already entered Finland: Section 49 of the Alien's Act:</p> <p>Issue of first fixed-term residence permits to aliens who have entered the country without residence permits</p> <p>(1) An alien who has entered the country without a residence permit is issued with a temporary or continuous residence permit in Finland if the requirements for issuing such a residence permit at a Finnish diplomatic or consular mission abroad are met, and if:</p> <p>1) the alien or at least one of his or her parents or grandparents is or has been a Finnish citizen by birth;</p>




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			<p>2) the alien has already, before entering Finland, lived together with his or her married spouse who lives in Finland, or has continuously lived together for at least two years in the same household in a marriage-like relationship with a person who lives in Finland;</p> <p>3) refusing a residence permit for an employed or self-employed person applied for in Finland would be unfounded from the alien's or employer's point of view;</p> <p>4) the alien has before entering Finland resided in another Member State for the purposes of carrying out scientific research referred to in the Directive on researchers, and applies for a residence permit in Finland for the same purpose or is a family member of such a person; or</p> <p>5) Refusing a residence permit would be manifestly unreasonable.</p> <p>(516/2008)</p> <p>(2) A temporary or continuous residence permit is issued on the same grounds as an equivalent permit applied for abroad.</p> <p>(3) Correspondingly, the provision in subsection 1(2) applies to registered partnerships of the same sex and to marriage-like Relationships of two persons of the same sex living continuously together in the same household.</p> <p>If the person has entered Finland with a Schengen-visa, or comes from a country that is part of a visa-free regime is not an influencing factor.</p> <p>2. As above.</p> <p>3. As mentioned above, the general rule is that the residence permit application is submitted abroad before entering Finland. If the requirements for issuing a residence permit are met (i.e. the person would be issued a residence permit if applying for it abroad) even though the person already has entered Finland, it is not considered misuse as such.</p>
	<p>France</p>	<p align="center">Yes</p>	<p>1. No. N/A.</p> <p>In France, a resident status requires some specific conditions such as a minimum residence period. It may be granted to a third-country national if he/she belongs to some specific categories or it may be granted after a minimum residence period of 3 years to applicants who meet the criteria.</p> <ul style="list-style-type: none"> - According to Article L.314-11 of the Code on Entry and Residence of Foreigners and the Right of Asylum (CESEDA), the long-term residence permit may be automatically issued to some specific categories of third-country nationals: children under 21 or dependants of a French national, refugees or stateless persons and their family members, beneficiaries of work-related accident and occupational diseases benefits as well as their family members, veterans and legionnaires. - According to Article L.314-9 of the CESEDA, a resident status may be granted to some categories of third-country nationals having family links with France and having stayed for a minimum period of 3 years on the French territory: spouse and children under 19 of a third-country national holding a residence card who entered France for the purpose of family reunification and who have legally resided in France for at least 3 years, foreign parents of a French child residing in France and who are holding a "private and family life" temporary residence permit for at least 3 years, foreign nationals who have




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			<p>been married for at least three years to a French national.</p> <ul style="list-style-type: none"> - According to Article L.314-15 of the CESEDA, a ten-year residence permit may also be issued on grounds of exceptional economic contribution. <p>Third-country nationals who are in possession of a long-stay visa equivalent to a residence permit or some specific temporary residence permits may be granted an EU long-term residence permit after residing legally in France for a period of five consecutive years.</p> <p>2. As above.</p> <p>3. As above.</p>
	Greece	Yes	<p>1. No</p> <p>2. No</p> <p>3. Yes, our national legislation consider such an action of a third-country national.</p>
	Hungary	Yes	<p>Third-country nationals residing in the territory of Hungary may lodge their applications for a residence permit at the competent regional directorate of the Office of Immigration and Nationality if:</p> <ul style="list-style-type: none"> a) there are special circumstances to justify submission of the application in Hungary, such as on the grounds of family reunification or medical treatment; b) the purpose of residence for a period of longer than three months is research; c) Lawfully residing in Hungary as nationals of the states listed in Annex II of Council Regulation 539/2001/EC, or together with such third-country national in the capacity of a family member. <p>Based on the provisions above Hungary's answers are the following:</p> <p>1. If the purpose of residence is research, it is always allowed, in case of other purposes, it should be well justified.</p> <p>2. Yes, to all categories.</p> <p>3. No.</p>
	Latvia	Yes	<p>1. As a general rule the documents for a residence permit should be submitted abroad, however there are several categories of foreigners who are entitled to submit documents, while staying in Latvia with valid Schengen visa:</p> <ul style="list-style-type: none"> - teachers/professors and researchers; - experts who are involved in the projects carried out by state institutions/municipalities; - artists; - sport coaches; - professional sportsmen;




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			<ul style="list-style-type: none"> - foreigners, legally working in Latvia on the ground of Schengen visa; - students applying for studies in master's or doctor's program and exchange pupils/students; - all minors; - retired parents of citizens/non-citizens of Latvia; - EU Blue card applicants; - Investors. <p>2. Yes, all categories of foreigners, regardless of the reason of stay;</p> <p>3. No.</p>
	Lithuania	Yes	<p>1. Yes, this applies for all categories.</p> <p>2. Yes, this applies for all categories.</p> <p>3. No</p>
	Luxembourg	Yes	<p>1. No. In Luxembourg if a third-country national enters the country with a short-term visa, s/he cannot file an application for any authorisation of stay inside the territory in accordance with article 39 (1) of the Law of 29 August 2008 on free movement of persons and immigration. This article only allows filing an application for an authorisation of stay in Luxembourg only under exceptional circumstances and under some conditions (all conditions for the requested authorisation to stay need to be fulfilled and the return to the country of origin is considered to be an unfair and iniquitous burden (article 39 (2)). In any other cases the application must be filed by the applicant at the Luxembourgish diplomatic mission or the one of the Member State, which represents Luxembourg interests in the country of origin of the applicant. The application must be approved by the Minister in charge of Immigration before entering the territory.</p> <p>2. No. As we mentioned any third country national that is in the country under a short-stay visa or under a visa free regime, which allows him/her to be inside the Schengen area up to 90 days, cannot apply for an authorisation of stay of more than 90 days from the territory in accordance with article 39 (1). The general rule is that the application has to be filed in the country of origin.</p> <p>3. As this practice is forbidden by law we cannot consider this as an abuse of the Schengen visa.</p>
	Netherlands	Yes	<p>1. Yes, every third-country national who actually stays in the Netherlands can apply for a residence permit - also a long term residence permit.</p> <p>2. Yes, see the answer to question 1.</p>



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			3. No, the application will be rejected if the applicant does not satisfy the residence requirements.
	Poland	Yes	<p>1. Yes, Polish legislation (Act of 12 December 2013 on Aliens) enables a third-country national residing in Poland with granted Schengen visa to apply for a temporary residence permit in the territory of the Republic of Poland. This applies for almost all categories of third-country nationals – exemptions relate to foreigners who have been granted Schengen visa for one of the reasons referred to in Article 60 paragraph 1 point 23 of the above Act (the humanitarian grounds, the State’s interest or the international commitments). Temporary residence permits are issued for a period ranging from three months to three years. Permanent residence permit (for an indefinite period) could be issued only after several years of foreigner’s residence in Poland. The length of time required depends on the previous legal status of a foreigner. Polish law provides for two forms of residence for an indefinite period:</p> <ul style="list-style-type: none"> - permanent residence (issued among others to spouses of Polish citizens, persons under international protection or who have been granted a tolerated stay in Poland, children of Polish citizens and foreigners who have the permanent right of residence in Poland or long-term EU residence status) - EU long-term residence permit (for those staying in Poland for at least five years, having insurance and a stable source of income in Poland). <p>2. Yes. Polish legislation enables a foreigner who is residing in Poland based on visa-free regime to apply for a temporary residence permit – application should be submitted no later than on the last day of its legal stay in Poland.</p> <p>3. No.</p>
	Portugal	Yes	<p>No, for the three questions. According to the legal framework (article 126° “Conditions to acquire a long-term resident status”, Act n.º 29/2012, August 9th), the status of long-term resident is granted to the third-country national who:</p> <ul style="list-style-type: none"> a) Has a legal and uninterrupted residence in national territory for at least five years before filing the request; b) Has stable and regular resources for his/her own livelihood and his/her family members without help from the solidarity subsystem; c) Holds a health insurance; d) Has lodging; e) Proficient in basic Portuguese.
	Romania	Yes	<p>1. Does your national legislation enable a third-country national who is residing in the territory of your Member State with granted Schengen visa to apply for a national residence in the territory of your Member State? If yes, does this apply for all categories of third-country nationals or only for specific categories (please list)?</p>

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			<p>2. Does your national legislation enable a third-country national who is residing in the territory of your Member State based on visa-free regime to apply for a national residence in the territory of your Member State? If yes, does this apply for all categories of third-country nationals or only for specific categories (please list)?</p> <p>1&2. According to the legal provisions, long term residence is the right granted by the General Inspectorate for Immigration to stay on Romanian territory for an undetermined period of time. Long term residence is granted upon request to the aliens who, at the date of solving the application, are beneficiaries of a temporary stay right or international protection in Romania. Long term residence cannot be granted to the following categories of aliens: beneficiaries of a temporary stay right for study purposes; applicants or beneficiary of temporary protection status; applicants or beneficiary of other form of protection than international protection; beneficiary of a stay right based on a short stay visa, diplomatic or service visa. One of the conditions to be fulfilled by the TCNs in order to be granted long term residence is that he/she has had a temporary stay right or an international protection status for 5 continuous years before submitting the application.</p> <p>3. Does your national legislation consider such an action of a third-country national (lodging an application for a national residence) as a misuse of a Schengen visa?</p> <p>National legislation foresaw the event of abuse/misuse of short stay visas and excluded, by relevant legal provisions, the possibility of granting long term residence to beneficiaries of a stay right based on a short stay visa</p>
	Slovak Republic	Yes	<p>1. Yes, our legislation allows for this to all categories.</p> <p>2. Yes, our legislation allows for this to all categories.</p> <p>3. No.</p>
	Slovenia	Yes	<p>1. Legislation allows to all categories to apply for special national residence permit called "<i>Residence permit on other well-founded grounds and for the interests of the Republic of Slovenia</i>" as long as they fulfil all required conditions. Validity of this type of permit is limited on year or two and issuing is very rare.</p> <p>2. Legislation allows to all categories to apply for special national residence permit called "<i>Residence permit on other well-founded grounds and for the interests of the Republic of Slovenia</i>" as long as they fulfil all required conditions. Validity of this type of permit is limited on year or two and issuing is very rare.</p> <p>3. No.</p>

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	<p>Sweden</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The main rule according to Swedish national legislation is that a third-country national who wants a residence permit in Sweden must have applied for and been granted such a permit before entering the country. Such an application may not be approved after entry.¹ However there are exemptions.² It should be noted that a third-country national always has the right to apply for a residence permit after entering the country. But if no exemption is applicable the application will be denied. Third-country nationals that are exempt from the main rule and may be granted a residence permit after entering the country are e.g. refugees or persons otherwise in need of protection, or if there are such exceptionally distressing circumstances that the person should be allowed to stay in Sweden. There's also under certain circumstances a restricted possibility to be granted a residence permit on the ground of family ties or to work in Sweden. When a third-country national already has a temporary residence permit, e.g. on the ground of family ties or employment, such a permit can normally be extended. A residence permit might also be granted if there are some other exceptional grounds.³ In accordance with the Swedish national legislation an application for a residence permit can be approved after entry to extend an ongoing visit, e.g. a tourist visit or a visit to relatives in Sweden. If a third-country national applies for a residence permit to extend such an ongoing visit, the application will be approved provided that there are grounds for extending the period of stay.⁴ 2. The general rule is that a residence permit cannot be granted after the third-country national has entered Sweden, but there are exemptions. No difference is made between a third-country national who's been granted a Schengen visa or who's visa-free. A more elaborate description of the Swedish regulations has been given above (see question 1). 3. The Swedish national legislation does not contain any specific provisions implying that an application for a national residence permit from a third-country national, who's been granted a Schengen visa, is a misuse. But there's a possibility that a Schengen visa can be annulled or revoked according to the Visa Code.⁵ When it comes to a prolongation of an ongoing visit, when a third-country national has been granted a Schengen visa, a temporary residence permit in Sweden can always be granted after entering the country when there's a ground for extending the period of stay.⁶
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¹ Chapter 5, Section 18, first paragraph of the Swedish Aliens Act (2005:716).

² For exemptions see Chapter 5, Section 18, second and third paragraph, Section 18 a and Section 19 of the Swedish Aliens Act (2005:716) and Chapter 4, Section 7 b and Section 17 of the Swedish Aliens Ordinance (2006:97).

³ Chapter 5, Section 18, second paragraph of the Swedish Aliens Act (2005:716).



⁴ Chapter 5, Section 19 of the Swedish Aliens Act (2005:716).

⁵ Article 34 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

⁶ Chapter 5, Section 19 of the Swedish Aliens Act (2005:716).

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	United Kingdom	Yes	The UK does not participate in the border aspects of Schengen and retains its own border controls.
	Norway	Yes	<p>1. Does your national legislation enable a third-country national who is residing in the territory of your Member State with granted Schengen visa to apply for a national residence in the territory of your Member State? IN SOME CASES.</p> <p>If yes, does this apply for all categories of third-country nationals or only for specific categories (please list)?</p> <p>Third country nationals staying in Norway on a granted Schengen visa are in some cases allowed to apply for a residence permit in Norway and stay in Norway until the application has been decided. These are the categories that are allowed to file their application from Norway:</p> <ul style="list-style-type: none"> - a foreign national who is a qualified skilled worker - seasonal workers, (see Norwegian Immigration Act section 6-3) - a foreign national who is employed by an international company, see section 1-3(d), - The child or adopted child, who is covered by Norwegian Immigration Act sections 40 to 42 of the Norwegian Immigration Act. If the applicant is a child as mentioned in section 42, second paragraph, of the Norwegian Immigration Act, documentary evidence must be presented to show that the sponsor has joint parental responsibility for the child. If the sponsor does not have sole parental responsibility, the other parent must consent to the application for a residence permit for the child, - a parent of a Norwegian child, (see Norwegian Immigration Act section 44 of the Act), - a foreign national covered by the EEA Agreement or the EFTA Convention, (see Norwegian Immigration Act sections 109 and 110 of the Act), - a foreign national who is born to parents of whom at least one was a Norwegian national at the time the child was born, (see Norwegian Immigration Act section 8-10), - a foreign national who has been permanently employed by a Norwegian shipping company and falls within the scope of the Norwegian Immigration Act section 8-11. A condition is that the person concerned signs off in the realm or travels here immediately after signing off abroad, - a foreign national who applies for a short-term stay under the Norwegian Immigration Act section 47 of the Act to visit a child in the realm, - seamen on board a foreign-registered ship who apply for a permit under the Norwegian Immigration Act section 6-6, - necessary security and maintenance crew on board a ship that is laid up in the realm, see the Norwegian Immigration Act section 6-31, third paragraph, and - A foreign national who meets the conditions for collective protection, (see the Norwegian Immigration Act section 34 of the Act). <p>2. Does your national legislation enable a third-country national who is residing in the territory of your Member State based on visa-free regime to apply for a national residence in the territory of your Member State?</p> <p>If yes, does this apply for all categories of third-country nationals or only for specific categories (please list)?</p>

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			<p>A third country national staying in Norway based on a visa free regime are in some cases allowed to apply for a residence permit in Norway and stay in Norway until the application has been decided. These are the categories that are allowed to file their application from Norway. In addition to the categories mentioned under 1, a spouse and cohabitant for more than two years and a cohabitant for less than two years when the parties have common children or are expecting common children, are also allowed to file their applications from Norway. The complete list for this category is therefore:</p> <ul style="list-style-type: none"> - a foreign national who is a qualified skilled worker - seasonal workers, (see the Norwegian Immigration Act section 6-3), - a foreign national who is employed by an international company, (see the Norwegian Immigration Act section 1-3(d)). - <u>a spouse, cohabitant</u>, child or adopted child, who is covered by the Norwegian Immigration Act sections 40 to 42 of the Act. If the applicant is a child as mentioned in section 42, second paragraph, of the Act, documentary evidence must be presented to show that the sponsor has joint parental responsibility for the child. If the sponsor does not have sole parental responsibility, the other parent must consent to the application for a residence permit for the child, - a parent of a Norwegian child, (see Norwegian Immigration Act section 44), - a foreign national covered by the EEA Agreement or the EFTA Convention, (see sections 109 and 110 of the Norwegian Immigration Act) - a foreign national who is born to parents of whom at least one was a Norwegian national at the time the child was born, (see Norwegian Immigration Act section 8-10) - a foreign national who has been permanently employed by a Norwegian shipping company and falls within the scope of the Norwegian Immigration Act section 8-11. A condition is that the person concerned signs off in the realm (arrives/departs from Norway) or travels here immediately after signing off abroad - a foreign national who applies for a short-term stay under the Norwegian Immigration Act section 47 to visit a child in the realm, - seamen on board a foreign-registered ship who apply for a permit under the Norwegian Immigration Act section 6-6, - necessary security and maintenance crew on board a ship that is laid up in the realm, (see the Norwegian Immigration Act section 6-31, third paragraph), and - a foreign national who meets the conditions for collective protection, (see section 34 of the Act). <p>3. Does your national legislation consider such an action of a third-country national (lodging an application for a national residence) as misuse of a Schengen visa?</p> <p>The reason why a spouse and cohabitant, see above, are <i>not</i> allowed to file their applications from Norway when staying here on a Schengen visa is partly because the regulations consider this misuse of a Schengen visa. A Schengen visa is only to be granted to applicants that are planning to leave the Schengen Area upon the expiry of their visa and should not be granted for the purposes above. But the Norwegian immigration legislation does not have any sanctions against the other categories (than spouses) mentioned under 1) if they apply for a residence permit.</p>
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EMN Ad-Hoc Query: Lodging an Application for a Long-Term Residence

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