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## AD HOC QUERY ON 2022.1 Directive 2003/109/EC, duration of absence and loss of the long-term resident status

Requested by EMN NCP France on 13 January 2022

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (24 in Total)

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### 1. Background information

In connection with the preparation of the future Law on Guidance and Programming of the Ministry of the Interior (LOPMI), France would like to know the position of the other EU Member States concerning the application of Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

Article 9 of Directive 2003/109/EC provides that long-term residents shall lose their right to long-term resident status in the event of absence from the territory of the EU for a period of 12 consecutive months.

The EU Court of Justice is examining currently a case (C432-20) which will have to give a position on the criteria relating to the duration and nature of the interruption of the absence from the territory of the Union for a period of 12 consecutive months which may lead to the loss of long-term resident status.

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**2. Questions**

- 1. 1) Does your country's legislation apply this period of absence of 12 consecutive months, or does it provide for a longer period of absence leading to the loss of long-term resident status?
- 2. 2) Does your country's legislation or practice consider that this period of absence of 12 consecutive months (or, where appropriate, for a longer period – see Q1) is not interrupted when the foreign national returns to your country for short stays, such as: - one month; - one week; - A few days
- 3. What is the doctrine / regulation / case law in your Member State regarding the duration of stay interrupting the duration of the absence?

We would very much appreciate your responses by 10 February 2022.

**3. Responses**

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		Wider Dissemination <sup>2</sup>	
	EMN NCP Belgium	Yes	1. Generally speaking, Belgium applies the period of 12 consecutive months. Nonetheless, if a long-term resident previously held a blue card, this period is extended to 24 months (Art. 19 Immigration Act). This rule also applies to the family members of these foreign nationals, provided they have also obtained LTR status. Furthermore, after an absence from the EU territory for 12 consecutive months, the foreign national with LTR status can still exercise his right to return if he fulfils three cumulative conditions:

<sup>1</sup> 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.

<sup>2</sup> 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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			<ul style="list-style-type: none"> <li>• prior to his departure, he has provided evidence to the municipality that his centre of interest is located in Belgium and has informed the municipality about his intention to leave the country and to return;</li> <li>• upon return, he possesses a LTR residence permit the validity of which has not expired (meaning that if he wishes to return to Belgium after the date of expiry of the residence permit, he should apply for renewal before leaving the country);</li> <li>• within 15 days after his return, he presents himself to the municipality of his place of residence.</li> </ul> <p>Finally, a special rule applies to foreign nationals travelling to their country of origin for at least 12 consecutive months for compulsory military service, study reasons or medical treatment. These persons only have to inform the municipality about their absence and have to return to Belgium within 60 days after the end of the military service, studies or medical treatment. (see Art. 5, 6 and 7 Royal Decree of 22 July 2008 laying down certain rules implementing the Immigration Act, available at <a href="http://www.ejustice.just.fgov.be/eli/arrete/2008/07/22/2008000730/justel">http://www.ejustice.just.fgov.be/eli/arrete/2008/07/22/2008000730/justel</a>)</p> <p>2. No. Article 19, § 1, paragraph 2, of the Belgian Immigration Act and Article 35, paragraph 4, of the Royal Decree of 8 October 1981 provide that a third-country national who has acquired long-term resident status in Belgium loses this status only in the following two situations: - either he has been absent from the territory of the Union for 12 consecutive months ; - or he has left Belgium for at least 6 years. Therefore, the Belgian legislation merely reproduces the content of Article 9(1)(c) and (4)(2) of Directive 2003/109/EC.</p> <p>3. See previous question.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. The revoking of the right of stay of a foreigner in the Republic of Bulgaria shall be imposed when is found that the foreigner, who was granted a long-term or permanent residence permit, was absent from the territory of the Member States of the European Union for a period of 12 consecutive months.</p>

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			<ol style="list-style-type: none"> <li>2. The 12-month period is interrupted if the foreigner returns for a few days.</li> <li>3. No general conclusion can be drawn. Each case is individual.</li> </ol>
	EMN NCP Croatia	Yes	<ol style="list-style-type: none"> <li>1. In accordance with Art 155. Para 1. Point 2. of the Aliens Act; a long-term residence of a third-country national shall be withdrawn if TCN has resided outside the EEA for a period of 12 consecutive months. Longer periods of absence are allowed for TCN who was granted LOTR status as an EU Blue Card holder.</li> <li>2. Currently our practice currently considers that the period of absence continuously for one year is interrupted when the foreigner returns for short stays.</li> <li>3. No case law on this issue yet.</li> </ol>
	EMN NCP Cyprus	Yes	<ol style="list-style-type: none"> <li>1. Cypriot legislation applies the period of absence of 12 consecutive months as a period of absence leading to the loss of long-term residence status</li> <li>2. No. It is considered as interrupted even if the holder returns for one day.</li> <li>3. There is no minimum time period. See answer to the Question 2.</li> </ol>
	EMN NCP Czech Republic	Yes	<ol style="list-style-type: none"> <li>1. In accordance with the § 77 par. 1 let. c) of the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic (Act No.: 326/1999 Coll.), the Ministry of the Interior of the Czech Republic shall cancel the (Third-country national's) authorization for a permanent residence if a foreigner has resided outside the European Union for a continuous period of more than twelve months unless justified by overriding reasons in particular pregnancy and childbirth, serious illness, study or vocational training, or sending work abroad.</li> </ol>

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			<p>Furthermore, in accordance with the § 85 par. 3 of the Act No.: 326/1999 Coll., the validity of a decision on granting a legal status of the long-term resident in the territory of the Czech Republic cease to exist by the cancellation of the (Third-country national's) authorization for a permanent residence.</p> <p>Thus, the Czech legislation applies the period of twelve months in accordance with the Article 9 of the Council Directive 2003/109/EC.</p> <p>2. In general, the authorization for a permanent residence in the territory of the Czech Republic is not cancelled (and the validity of a decision on granting the status of a long-term resident in the territory do not cease to exist) if a foreigner's absence in the territory is caused by (above-stated) overriding reasons. Concurrently, in the case of the proceeding about the cancellation of the foreigner's authorization for a permanent residence in the territory, a foreigner can prove that his absence in the territory has not been continuous.</p> <p>If a foreigner will be able to prove that he/she has returned to the territory of the Czech Republic for a time-framed period during his absence, the authorization for a permanent residence in the territory would not be cancelled and the decision on granting the status of a long-term resident in the territory would not cease to exist. Please, be informed that all the cases are judged individually.</p> <p>3. In accordance with the court's decisions, if the period of a foreigner's absence exceeds the length of twelve months because of a serious illness, his/her authorization for a permanent residence in the territory of the Czech Republic must not be cancelled (see the Judgment of the Regional Court in České Budějovice from August 19th, 2015, case No.: 10 A 31/2015 – 38). This serious illness need not concern the foreigner directly – when the close family member of a foreigner who lives outside the European Union suffers from a serious illness and a foreigner who is a holder of the status of a long-term resident has to care about him/her there for more than twelve months, the validity of a permanent residence permit must not be cancelled either (see the Judgement of Prague Municipal Court from June 9th, 2015, case No.: 8 A 19/2011). On the other side, e.g. studies of a foreigner outside the European Union could not be justified by overriding reason and the authorization for a permanent residence in the territory of the Czech Republic can be cancelled in case the period of twelve months is exceeded (see the Judgement of the Regional Court in Brno from October 4th, 2017, case No.: 62 A 55/2016 – 40).</p>
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	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Yes, according to Article 241(2) of the Aliens Act the residence permit for a long-term resident shall be revoked if the TCN stays outside member states of the EU for twelve consecutive months. Additionally, according to the Aliens Act the fact that the person has stayed outside the EU member states more than twelve consecutive months do not constitute a basis for the revocation of a residence permit if the Police and Border Guard Board have deemed the absence of the TCN from Estonia to be justified.</p> <p>2. The national legislation does not determine how long the period of stay has to be in order to interrupt the absence period. If the holder of the long-term resident residence permit resides continuously outside of Estonia, the authority may ask for relevant reasons of absence.</p> <p>3. The directive does not stipulate duration or purpose of short stay visit and therefore national legislation does not provide explicitly relevant provision for refusing the renewal or to withdrawing the residence permit. EE does not have any national case law in this matter.</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Long-term resident's EU residence permits (P-EU) issued to third-country nationals under the Finnish Aliens Act, allow applicants to stay abroad longer than the minimum set by Directive 2003/109/EC. According to Section 58 of the Finnish Aliens Act:</p> <p>2) A long-term resident's EU residence permit is withdrawn if the alien has resided outside the territory of the European Union for two consecutive years or outside Finland for six consecutive years.</p> <p>3) In the case referred to in subsection 1 or 2, an alien may, before the expiry of the periods specified above, file an application to prevent the withdrawal of his or her residence permit. If the application is granted, the decision shall state the period during which the residence permit is not withdrawn. The application may be granted if the alien has resided outside Finland or the Community for special or exceptional reasons.</p> <p>2. According to a principle established in the Finnish case law, the decisive factor is how long the person has lived/resided abroad without interruption, not how long the person has physically stayed abroad without interruption. When assessing how long a person has lived/resided abroad continuously, emphasis is placed on a case-by-case overall assessment.</p> <p>According to the Finnish case law, visits which can be interpreted as tourism/travelling do not interrupt the</p>

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			<p>continuity of living abroad. For example, if a person in reality lives outside of Finland or the European Union, holiday trips or short visits to Finland or the European Union have not interrupted his/her continuous living abroad. However, if the person has been in Finland for a few months and registered a Finnish address and/or applied for social benefits in Finland (i.e. lived in Finland for a short period of time and then left the country), his/her residence permit has not been cancellable based on the time limits either.</p> <p>3. Both national case law and the Finnish Aliens Act (Section 58) have been applied.</p>
	EMN NCP France	Yes	<p>1. France retained a period of absence of 3 consecutive years before the loss of status could be envisaged.</p> <p>2. In France, the High Administrative Court (decision of the Council of State, 30 December 2020) considered that a period of one month was sufficient to interrupt the continuity of the absence of the EU.</p> <p>3. until the recent decision of the Council of State, France could decide the loss of the change of status even if the TCN has a few days of interruption of stay.</p>
	EMN NCP Germany	Yes	<p>1. The loss of the EU long-term resident status is regulated in Section 51 (9) of the German Residence Act (available online at <a href="https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.pdf">https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.pdf</a>). Germany applies the period of 12 consecutive months of absence. For former holders of an EU Blue Card and their family members the maximum period of absence is 24 consecutive months.</p> <p>2. The national legislation does not determine how long the period of stay has to be in order to interrupt the absence period. According to the predominant German jurisprudence, short stays cannot interrupt the allowed absence period, especially when the main purpose of the re-entry is to prevent the expiry of the residence title. However, in the meantime, the ECJ ruled on the mentioned case C-432/20 that very short stays interrupt the absence period and therefore prevent the loss of the EU long-term resident status in Germany.</p>

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			3. See answer to Q2.
	EMN NCP Greece	Yes	<p>1. According to the national legislation (art.93 par.1c law nr 4251/2014), long-term residents cannot maintain their status among other reasons, due to being away from EU territory for twelve consecutive months or more.</p> <p>2. As per the aforementioned provision, the loss of status occurs in the case of continuous/consecutive periods of absence.</p> <p>3. There is no explicit provision in the national legislation on migration on how to address the period of stay that interrupts the period of absence.</p>
	EMN NCP Hungary	Yes	<p>1. Hungary applies 12 consecutive months as the longest period of absence in special cases established in Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals.</p> <p>2. The mentioned returns break the 12 month-period of absence. The following shall not be deemed as discontinuity of residence: temporary absence from the territory of Hungary not exceeding six months in a year; absence for compulsory military service; a one-time absence up to a maximum of twelve consecutive months due to a material cause, such as pregnancy and childbirth, serious illness, pursuit of study or vocational training, or posting.</p> <p>3. Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals sets out the rules. See answers to Q2.</p>
	EMN NCP Ireland	Yes	<p>1. Ireland does not participate in the Long Term Resident Directive 2003/109/EC. Ireland has a national administrative scheme for Long Term Residency. There is no set timeframe for absence from the State in relation to renewal of long term residency. This would be examined on a case-by-case basis.</p>

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			<p>2. N/A</p> <p>3. N/A</p>
	EMN NCP Italy	Yes	<p>1. YES</p> <p>2. NO, in case of return the period is considered to be interrupted.</p> <p>3. N.A.</p>
	EMN NCP Latvia	Yes	<p>1. According to Law on the Status of a Long-term Resident of the European Union in Latvia a third-country national shall be deprived of the status, if he or she has been absent from the EU for the time period of 12 consecutive months (or – 6 consecutive years if the absence is related to the residence in other EU country).</p> <p>2. The regulatory enactments of Latvia stipulate that if a third-country national who has acquired the status of a permanent resident of the European Union and who has been outside of Latvia returns to Latvia for a short time (for example, one day), the third-country national's long-term absence is interrupted.</p> <p>3. The principles of administrative law of Latvia stipulate that each case is assessed individually. This refers also to the cases where the long-term absence of a person who has the status of a permanent resident of the European Union is established. All the submitted supporting documents are evaluated and the circumstances of the case are evaluated. A short-term (one day, one week, one month) return to Latvia may also interrupt third-country national`s absence outside the territory of Latvia.</p>
	EMN NCP Lithuania	Yes	<p>1. According to Article 54 of the Law on the Legal Status of Foreigners, the permanent residence permit is withdrawn when a foreigner resides in a non-EU state for a period exceeding 12 consecutive months. However,</p>

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			<p>the 12-monh period of absence may be extended to 24 months if:</p> <ol style="list-style-type: none"><li>1) the foreigner has a permanent residence permit issued on the grounds that<ol style="list-style-type: none"><li>a. they have resided in the EU for the past consecutive 5 years, of which at least 2 consecutive years were in Lithuania, AND</li><li>b. during the above-mentioned years of residence, they held a temporary residence permit issued on the grounds that they were took up highly qualified employment in Lithuania in accordance with the provisions of the law; AND</li></ol></li><li>2) the foreigner proves that s/he left for their country of origin to take up employment, engage in other lawful activities or study</li></ol> <p>2. This is not regulated by the Law on the Legal Status of Foreigners. In practice, short stays do not count either towards the length of the period of absence or the length of the period of residence. It could be mentioned that according to Art. 53.8(1) When <u>issuing</u> a permanent residence permit to a foreigner &lt;...&gt;, the period of residence in the Republic of Lithuania shall not include the time when the purpose of foreigner's entry into Lithuania is short-term, related to temporary, non-permanent activity.</p> <p>3. The calculation of absence is based on the evidence of presence; thus, it is not the duration of stay that interrupts the duration of absence but the cumulative duration of absences that interrupts the duration of stay.</p> <p>According to Article 53(10) of the Law on the Legal Status of Foreigners, the period of residence is not considered to have been interrupted by a period of absence from the territory of respectively the Republic of Lithuania or any other EU Member State, provided that it is shorter than 6 consecutive months and does not exceed in total 10 months within a five-year period. However, "If a foreigner &lt;...&gt; proves that he has left for his country of origin to take up employment, to engage in other lawful activities or to study, the period of residence shall not be interrupted by a period of absence from the territory of the Republic of Lithuania or any other EU Member State, provided that it is shorter than 12 consecutive months and does not exceed in total 18 months within a five-year period."</p> <p>The procedure for calculating the period of residence (and, consequently, absence) is further detailed in Article 48 of <a href="#">Order No. 1V-445 of 21 December 2005 of the Minister of the Interior</a> Regarding the Approval of the Description of the Procedure for the Issuing of the Long-Term Residence Permit of the European Union. When calculating the length of residence (and, consequently, the period of absence), the information that is</p>
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			<p>considered includes (among other things) the following:</p> <ul style="list-style-type: none"> <li>• the requirements of the above-mentioned Article 53(10) of the Law on the Legal Status of Foreigners;</li> <li>• the period during which the place of residence was officially declared in Lithuania;</li> <li>• the period of employment in Lithuania;</li> <li>• the period of studies, training, internship etc. in Lithuania;</li> <li>• the visas and residence permits issued by other states;</li> <li>• data on border crossings recorded in the information system of the State Border Guard Service;</li> <li>• health insurance at a healthcare institution in Lithuania and/or periods of receiving social benefits in Lithuania;</li> <li>• information about the spouse's residence permit or the spouse's place of residence, period of employment, visas and residence permits issued by other states, and data on border crossings etc.</li> <li>• information about the place and period of education, studying or training of dependent children.</li> </ul>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. In Luxembourg article 83 (1) b) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) states that the "absence from the territory of the Union for a period of 12 consecutive months, and 24 consecutive months for the former EU Blue Card holder and his/her family members who have been granted EU long-term resident status", except for the absences referred in article 80 (5) of the Immigration Law will trigger the loss of the long residence status.</li> <li>2. No. The absence has to be justified so the simple return every now and then will not interrupt the 12 consecutive month period. As it was answered in Q.1 the absences of the territory that will be excepted from the absence of 12 consecutive months have to be justified by specific or exceptional reasons of temporary nature such as pregnancy, childbirth, a serious illness, studies, or professional training, detachment for working reasons including cross-border services.</li> <li>3. The doctrine of granting a long-term resident permit to a third country national is that he has the intention to reside in the territory on permanent basis, not that the individual lives abroad and has the residence permit as a lifeline in case things go wrong in the other MS or a third country. In the exposition of motives in the bill n° 5802 the legislator stated "The right to long-term resident status is lost only for reasons that are limited by</li> </ol>

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			law, namely: in the event of fraud, long absence from the country, a real and sufficiently serious threat to public order or public security, as well as in the event of obtaining the same status in another country."
	EMN NCP Netherlands	Yes	<p>1. The Netherlands applies the period of 12 consecutive months of absence from the territory of the Union, EEA or Switzerland.[1] If the long-term resident is a former Blue Card holder, or is the family member of a former Blue Card holder, the period of absence from the Union, EEA or Switzerland leading to loss of the long-term resident status is 24 consecutive months.[2]</p> <p>[1] Art. 45d (1) under d, Aliens Act (Vw) 2000. See also: Immigration and Naturalisation Service, 'Main residence', <a href="https://ind.nl/en/pages/main-residence.aspx">https://ind.nl/en/pages/main-residence.aspx</a>, last accessed on 19 January 2022. [2] Art. 3.127 (1) under d, Aliens Decree (Vb) 2000.</p> <p>2. The period of 12 consecutive months is not interrupted by one or multiple short stays in the Netherlands if the foreigner does not register at the Personal Records Database (BRP) of the municipality as a resident.</p> <p>3. D1/6.2 of the Aliens Act Implementation Guidelines (Vreemdelingencirculaire, Vc) 2000. The specific circumstances of the case should always be taken into account.</p>
	EMN NCP Poland	Yes	<p>1. The Act on Foreigners, within the scope of the aforementioned regulation (i.e. Article 215 (1)(4)), provides for the possibility to revoke a residence permit for a long-term EU resident if the foreigner:</p> <ul style="list-style-type: none"> <li>- left the territory of the European Union <u>for a period of consecutive 12 months</u> or</li> <li>- has left the territory of the European Union for a period of 24 consecutive months, if he/she held a temporary residence permit for the purposes of highly qualified employment or is a family member of a foreigner who held such a permit.</li> </ul> <p>When implementing Council Directive 2009/50/EC, Poland has not used the option provided for in this Directive to assume that absence exceeding 12 consecutive months or absence for specific or exceptional reasons does</p>

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			<p>not entail withdrawal or loss of status.</p> <p>2. No</p> <p>3. N/a</p>
	EMN NCP Portugal	Yes	<p>1. PT considers a period of 6 consecutive years of absence from PT or the 12 consecutive months absence from the EU territory for the loss of the status.</p> <p>2. No.</p> <p>3. There is no specific point on this subject. The Law no. 23/2007 of July 4, article 131 rules the Loss of status.</p> <p>Article 131 Loss of status</p> <p>1 – Long-term residents shall lose long-term resident status under the following circumstances:</p> <ul style="list-style-type: none"> <li>a) Fraudulent acquisition of long-term resident status;</li> <li>b) Adoption of a deportation measure pursuant to article 136;</li> <li>c) Absence from the European Union territory for 12 consecutive months;</li> </ul> <p>a) Acquisition of long-term resident status in another Member State;</p> <p>e) Absence from Portuguese territory for 6 consecutive years.</p> <p>2 – Absences from the European Union territory for more than 12 consecutive months which are justified by specific or exceptional reasons shall not imply the loss of status, namely when the long-term resident has remained in the country of origin to carry out a professional or business activity, or an activity of a cultural or social nature.</p> <p>3 – Absences from Portuguese territory for more than 6 consecutive years which are justified by</p>

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			<p>specific or exceptional reasons shall not imply the loss of status, namely when the long-term resident has remained in the country of origin to carry out a professional or business activity, or an activity of a cultural or social nature.</p> <p>4 — Whenever the loss of status is due to any of the situations referred to in (1)(c) and (e), the interested party may reacquire long-term resident status upon request, provided that the conditions of article 126 (1)(b) to (d) have been met.</p> <p>5 — Decisions on requests referred to in the above paragraph shall be handed down within three months.</p> <p>6 — The expiry of a long-term EU residence permit shall not imply the loss of long-term resident status.</p> <p>7 — The loss of long-term resident status shall result in cancellation of residence authorisation and seizure of the long-term EU residence permit.</p> <p>8 — The government member in charge of internal administration shall be responsible for the cancellation of residence authorisation for long-term residents, with the ability to delegate to the SEF National Director.</p> <p>9 — If the loss of long-term resident status results in the removal, from Portuguese territory, of a third-country national who has had a long-term EU residence permit pursuant to article 130 (4), such removal may only be carried out to the country referred to in the notes.</p> <p>10 — Under the circumstances referred to in the above paragraph, if there are serious reasons to believe that the third-country national represents a hazard to national security or to public order, if the third-country national has been convicted by a final ruling of a felonious crime with a penalty of more than one year in prison, even if its enforcement has been suspended in the case of convictions for felonious crimes provided for in or in connection with this law or for crimes of terrorism, violent crimes or particularly violent or highly organised crimes, or if the third-country national's international protection granted by another Member State has been withdrawn, the removal may be carried out to a different country, in accordance with the principle of non-refoulement.</p> <p>11 — If the loss of long-term resident status does not result in removal, the person in question shall be granted residence authorisation with visa exemption.</p>
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	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Based on the Act on the Residence of Foreigners, long-term residence in the Slovak Republic may be cancelled, inter alia, if the third-country national stays continuously outside of the territory of the Member States for 12 consecutive months, or 24 consecutive months if he / she has obtained long-term residence as a blue card holder.</li> <li>2. This must be a continuous stay outside of the territory of the Member States.</li> <li>3. See response to question 2.</li> </ol>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. In accordance with indent 7 of paragraph 3 of Article 57 of the Foreigners Act a permanent residence permit shall expire inter alia if the foreigner remains outside the territory of EU Member States continuously for one year or more, unless he or she was sent abroad for work or study purposes or to receive medical treatment.</li> <li>2. Our practice currently considers that the period of absence continuously for one year is interrupted when the foreigner returns to Slovenia for short stays, but we very much look forward to the decision of the CJEU in case C-432/20.</li> <li>3. Established practice/doctrine at the appellate administrative level (Ministry of the Interior) and case law have not yet been established on this issue.</li> </ol>
	<p>EMN NCP Spain</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. The first option (12 consecutive months)</li> <li>2. No</li> <li>3. In this respect, there is no specific provision beyond what is indicated in question 1. This absence of 12 consecutive months of EU territory is a cause of extinction of the long-term residence</li> </ol>

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			<p>permit; although it does not apply to holders of temporary residence and work authorization linked through an employment relationship to non-governmental organizations, foundations or associations, registered and officially recognized, and who carry out research, development cooperation or humanitarian aid projects carried out abroad.</p>
	EMN NCP Sweden	Yes	<p>1. Sweden has implemented article 9 in the Swedish Aliens Act (5 a chap. 5 §). Sweden does not provide for a longer period of absence from the territory of the Community. We would like to emphasize that a withdrawn long term resident-status does not necessarily mean that the person also gets their permanent residence withdrawn.</p> <p>2. Sweden rarely sees errands where the long-term resident status is withdrawn. Short stays in the host country during the 12-month absence would not be considered as an interruption of period of absence.</p> <p>3. As long as the person is residing in a third country we do not see visits to Sweden during that period as an interruption. On the other hand, this ultimately boils down to a question of reasonability.</p>

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