

Summary of an EMN Ad-Hoc Query No. 2018.1317

SK EMN AHQ on Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of TCN for the purposes of EU Blue Card

10.10.2018 prepared by SK EMN NCP

Responses from Austria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom (19 in total)

Note: the answers of Austria is not for wider dissemination, hence their answers are not included in this summary

BACKGROUND AND CONTEXT

The Bureau of Border and Foreign Police of the Presidium of Presidium of Police Forces (BBFP PFP) in Slovakia is the responsible body for the implementation and transposition of the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third- country nationals for the purposes of highly qualified employment (Blue Card). A revision is taking place within the framework of dialogues with European Parliament and European Commission. BBFP PFP of which representatives regularly participated on the meetings of the IMEX Council working party on this topic has several standpoints that differ from those of other MS. These are related mainly to increasingly more lenient conditions of acquisition of the Blue Card or to expanding the range of persons able to apply for this card.

Due to this reason SR has launched an ad hoc query to get a more comprehensive information on the implementation of the Directive in the Member States.

Generally, the situation regarding the issuing of the Blue Card within the EU countries is very divers, despite the relatively low number of Blue Card applications in the Member States in recent years. United Kingdom and Ireland do not participate in the adoption of this Directive and are not bound by or subject to it application.

PROCESSING OF APPLICATIONS AND ISSUING BLUE CARDS

The maximum duration of the processing/issuing procedure of the Blue Card outlined by national legislation ranges from 30 days (HR, SK), through 2 months (EE, LT) up to maximum 90 days (CY¹,CT, FI, FR, DE², IT,

¹ In Cyprus, quota for Blue Card has been set to zero by the legislation

² The general administrative procedures deadline, Blue Card issuance lies on the local level

LU, MT, NL, SE) with possible extensions in specific cases. Shorter deadlines occur as well, in cases e.g. with “favoured entrepreneurs” (HU) or when special conditions for employers are set (LT)³. Some countries such as Latvia are exception to this, as the procedure takes up to 10 days. Among the occupational fields in which Blue Cards are mostly issued we can list *Information and communication technologies* (HR, CZ, EE, FI, LV, LT, LU, SK, SE), *healthcare* (HR, CZ, EE, SK), but also *industry and production* (LT), *finance* (EE, LU), *business* (LV), *marketing* (HU) and *aviation* (LT).

PROOF OF HIGHER PROFESSIONAL QUALIFICATION

The possibility to prove higher professional qualifications by at least five years of professional experience of a level comparable to higher qualification education has been transposed into national legislation in 7 countries (EE, FR, LV, LT, LU, PL, SE) responding to this AHQ. In case of France, French authorities in charge of processing EU blue card applications can accept all kind of documents proving the applicant’s qualifications and experience to occupy such position, such as: labour certificates from previous employers, resume, etc. In Poland fulfilling the abovementioned conditions may be demonstrated by e.g.: employment contracts, work certificates, certificates of professional activity, contracts with clients, etc.

BENEFICIARIES OF INTERNATIONAL PROTECTION

Regarding the incorporation of highly skilled beneficiaries of international protection (BIP) under the new Blue Card scheme, most MS do not yet have plans ready on how would BIP lacking personal documents provide evidence of higher qualification education or professional experience of a level comparable to higher qualification education when applying for the Blue card. In the Czech Republic BIP who want to have their tertiary education officially recognized by Czech authorities but do not have verified original diplomas at their disposal and are allowed to submit affidavits instead. In France BIP can be issued, depending on the type of protection granted, a residence permit valid for one or ten years which gives them direct access to work. Consequently they do not have to apply for an EU Blue Card and are not required to provide any evidence of higher education or professional experience. Lithuania’s responsible institution – Center for Quality Assessment in Higher Education (SKVC) - has arranged a procedure for those wishing to receive recognition of their academic qualifications in order to apply for the EU Blue Card even if persons do not have all the necessary documentation. This procedure is used not only for asylum seekers, but also for those persons who do not possess all the necessary documents.

³ E.g. employer has formally agreed to hire the applicant under an employment agreement for a period no shorter than a year to do work that requires high professional qualification and has been listed on the shortage occupations list. Additionally, the employer has agreed to pay a monthly salary that is at least 1.5 times the amount of the average salary of the latest quarter as reported by the Lithuanian Department of Statistics