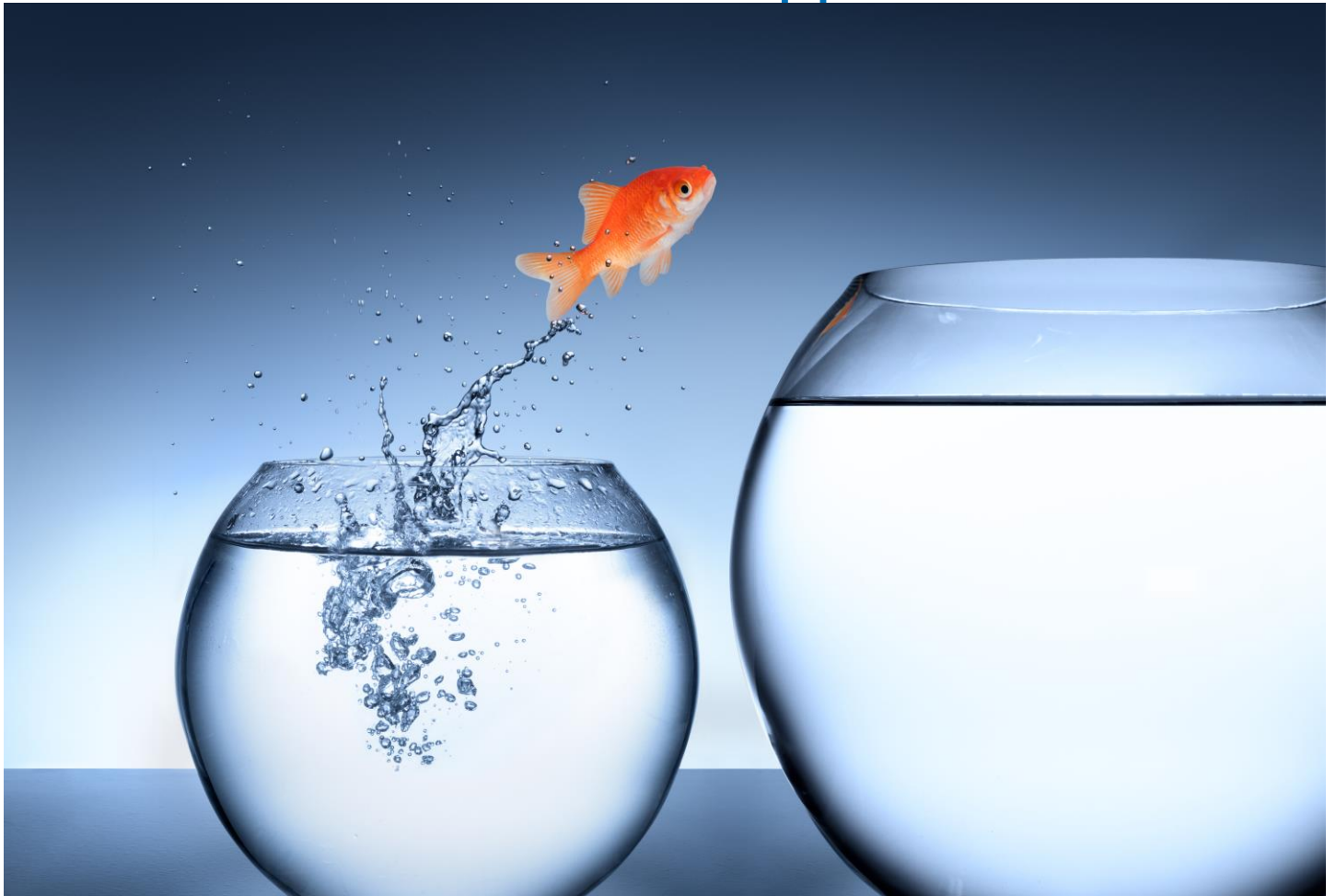


## European Migration Network

### Synthesis Report for the EMN Focussed Study 2015

# Changes in immigration status and purpose of stay: an overview of EU Member States' approaches



Based on the National Contributions from 24 Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom

## Contents

Disclaimer .....	4
Executive summary .....	5
Key points to note.....	5
1 Introduction.....	6
1.1 Study rationale and aims.....	6
1.2 Information on the scale.....	7
1.3 Structure of the report .....	10
2 EU legal framework and national migration systems in relation to status changes.....	10
2.1 The EU legal framework .....	11
2.2 General overview of national migration systems in relation to status changes .....	12
2.2.1 National migration systems.....	12
2.2.2 National debates on change of status.....	13
2.3 Main drivers/ reasons behind changes of status promoted by legislators.....	13
3 Legal possibilities for change of status while remaining in the Member States .....	14
3.1 Legal possibilities to change status from within the Member State .....	15
3.1.1 Family.....	15
3.1.2 Education .....	16
3.1.3 Remunerated activities.....	17
3.1.4 Protection purposes .....	22
3.1.5 Other .....	23
3.2 Alteration of rights.....	23
3.3 Stakeholders involved .....	25
3.4 Information on the possibilities to change status .....	25
4 Admission criteria and legal basis .....	26
4.1 Legal basis .....	26
4.2 Main admission criteria.....	26
4.3 Statuses where the admission criteria differ from the first time application .....	29
4.3.1 Changes from student or researcher .....	29
4.3.2 Changes from family .....	30
4.3.3 Changes from employment-related statuses .....	30
4.3.4 Changes from long-stay (D-type) visa.....	30
4.3.5 Changes from asylum seeker .....	30
4.3.6 Changes from other statuses .....	30
4.4 Quota limitations .....	31
4.5 Procedural facilitations .....	31
5 Effectiveness, impact and perception of national policies regarding changes of status .....	32
5.1 Effectiveness and impact of national policies .....	32
5.2 Perception of the change of status at national level.....	33
5.3 Change of status and prevention of irregularity .....	33
6 Challenges, good practices and lessons learned in change of status .....	34
6.1 Challenges for national authorities and applicants.....	34
6.2 Good practices and lessons learned .....	35

7	Conclusions .....	36
	Annex 1 Minimum standards of rights for EU and nationally regulated statuses.....	38
	Table A1.1 Minimum standards of rights for EU-regulated statuses .....	38
	Table A1.2 Minimum standards of rights for national statuses regulated by EU law .....	41
	Annex 2 Legal possibilities to change the status.....	42
	Table A2.1 List of legal possibilities to change the status without leaving the country .....	42
	Table A2.2 Share of legal possibilities for changing status in Member States out of total number of countries with each migration status .....	46
	Annex 3 Common admission criteria.....	47
	Table A3.1 Overview of common admission criteria.....	47
	Annex 4 Statistics .....	50
	Table A4.1 All valid residence permits by reason on 31 December and a share of those issued per reason out of total in Member State (2010-2014) .....	50
	Table A4.2 Number and share of applicants for international protection (2010-2015) .....	56
	Table A4.3 Number and share of EU Blue Cards granted (2012-2014) .....	58
	Table A4.4 Issued skilled or highly skilled national labour permits (2010-2015).....	59
	Table A4.5 Total number of victims of trafficking (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits (2010-2012) .....	60
	Table A4.6 Number of changes of immigration status permits by reason (2010-2014).....	61
	Table A4.7 Number of persons who have changed immigration status more than one time in France (2010-2014) .....	64
	Table A4.8 The average processing time to change the status (the time span between the application for change of status and the granting of the change of status), by purpose of stay in 2014 .....	66

#### DISCLAIMER

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This Study was part of the 2015-2016 Work Programme for the EMN.

#### EXPLANATORY NOTE

The Synthesis Report was prepared on the basis of National Contributions from 24 EMN NCPs (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, NL, LT, LU, LV, PL, SE, SI, SK and UK) according to a Common Template developed by the EMN and followed by EMN NCPs to ensure, to the extent possible, comparability.

National Contributions were based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources and reports as well as information collected from national authorities. Statistics were sourced from national authorities and other (national) databases. The listing of Member States in the Synthesis Report results from the availability of information provided by the EMN NCPs in the National Contributions.

It is important to note that the information contained in this Report refers to the situation in the above-mentioned Member States up to and including 2015 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available National Contributions on the EMN web-site and it is strongly recommended that these are consulted as well.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion in this Study, but have done so for other EMN activities and reports.

## Executive summary

### KEY POINTS TO NOTE

When a person wants to migrate to the EU, in most cases Member States require third-country nationals to lodge a first application from abroad. However, when a third-country national is already (legally) residing on the territory of a Member State, s/he is often allowed to apply for a **change of the existing migration status** without having to leave the country.

The Study examined the different legal frameworks, procedures and practices in place in the Member States to enable third-country nationals to change migration status, as well as the conditions associated with such changes. It also looked at existing obstacles and good practices.

All Member States have **at least some legal possibilities** to allow for changes to migration statuses. Some Member States have legal possibilities for almost all existing migration statuses while others are more restrictive. The **main drivers** of Member States to allow for such changes are primarily **economic in nature**. Most concern **macroeconomic** reasons, such as addressing labour and skills shortages, as well as attracting and retaining talent. Some Member States also consider **microeconomic** reasons, related to increasing the cost-efficiency and flexibility of their migration systems. The main reasons for third-country nationals to apply for status change are related to the 'inevitable' expiry of the current status, the improved rights offered by other statuses and a change of their 'real' situation.

The **admission criteria** and **conditions** when applying for a change of status do not differ much from those for first time applicants in the majority of Member States. Where criteria differ, they are in most cases reduced in comparison to those for first time applicants. In some cases however they are increased, mostly concerning changes into statuses of remunerated activities.

**Changes from education reasons** into another status are those most often legally allowed in the Member States and they are also the changes which are most often made in the EU (6% of persons with this residence permit changed status in 2014). In the light of the growing need for highly qualified workers, as well as, on the other hand, the need to prevent

abuse of this migration status, this type of status change has been the subject of intense debates and legislative changes in several Member States.

**Changes from remunerated activities** are the second most frequent changes made in the EU (4% of persons with a residence permit for remunerated activities changed status in 2014). Member States offer various legal possibilities for such changes, although there are some indications that following the economic crisis some may have taken a more restrictive approach to protect their national labour market.

Although often legally possible, **changes from family reasons** are least frequent (annually around 1% of persons with this residence permit changed their status in 2010-2014). This could be somewhat explained by the relatively long duration of this status and rights and benefits granted, although these are highly dependent on the status of the sponsor.

Few Member States have evaluated the effectiveness or impact of national policies allowing changes of status. Studies carried out in France and Spain showed that legislative changes facilitating status change can make a **positive contribution to the economy** as well as facilitate **integration**. Similarly, a survey carried out in Germany highlighted that 55% of foreign students stayed in Germany after completion of their higher education as a result of a change of status.

Finally, Member States also highlighted some **challenges** encountered, in particular with regard to:

- ★ Absence of **research** on status changes (BG, LU);
- ★ **Misuse** and **abuse** of the change of status by either migrants themselves or their sponsors or employers (CZ, LT, LU, LV, SE and UK); and
- ★ **Lack of access to information** on status change possibilities (BE, FR).

**Good practices** have been identified in several Member States, mostly with regard to the ability to retain talent by offering status change opportunities, in particular of international students who have successfully completed their studies (BE, EE, FR, IE, LT, NL, PL and SE).

# 1 Introduction

## 1.1 STUDY RATIONALE AND AIMS

Member States regulate immigration flows by providing, on the basis of their relevant legislation, specific channels for immigration, each of which relate to a specific purpose of stay. Each ‘purpose’ or ‘reason’ for immigration is accompanied by a set of specific requirements and conditions which have to be fulfilled in order to be granted access to and stay in the territories of the Member States.

Third-country nationals might have the possibility to change their legal status into another type of status during their legal stay, or when third-country nationals with temporary residence permits or visas no longer meet the criteria linked to the respective authorisation to stay, they may be required to leave or become irregular if they choose to remain on the territory. However, third-country nationals admitted for one purpose of stay may in some Member States qualify for another purpose and could hence apply for another status to remain legally on the territory of a Member State (e.g. international students allowed to stay and look for work, employed migrants changing to a self-employment / entrepreneur category, asylum seekers changing to labour immigrant status or family-related stays, etc.). The motivations of Member States to allow for such changes may arise from a wish to make their immigration systems more flexible, so that they are able to respond to labour and skills shortages in a cost- and time-efficient way, to activate and unlock the potential of existing immigrants’ skills and/or to prevent third-country nationals from becoming irregular migrants, a phenomenon that today is addressed primarily through restrictive measures (return) or so-called ‘regularisations’ or ‘amnesties’.<sup>1</sup>

The aim of this EMN Focussed Study is to provide an overview and analysis of the conditions that regulate the changes of status between different categories of third-country nationals in the 24 EU Member States, which have submitted their National Reports for this Study.

In this report, the concept of changes in the purpose of stay is interpreted rather broadly, covering any request for a different permit to stay than the original permit, by any category of third-country national whose (temporary or long-term) stay is authorised in a Member State. The Study covers the following categories of third-country nationals:

- ★ Applicants for international protection, including:

- ✓ Third-country nationals whose stay is authorised on the ground that they have a pending asylum application;
- ✓ Third-country nationals after receiving a final negative decision;
- ✓ Third-country nationals whose return has been suspended and whose stay is ‘tolerated’.
- ★ Applicants for other national types of protection i.e. humanitarian, medical, etc., including:
  - ✓ Third-country nationals whose stay is authorised on the ground that they have a pending application;
  - ✓ Third-country nationals after receiving a final negative decision;
  - ✓ Third-country nationals whose return has been suspended and whose stay is ‘tolerated’<sup>2</sup>:
    - the rejected applicants who are not removable; and
    - other third-country nationals who have not applied for asylum and are in a so called ‘non-removable status’.
- ★ Students (including those covered by the Students Directive, 2004/114/EC<sup>3</sup>);
- ★ Researchers (including those covered by the Researchers Directive, 2005/71/EC<sup>4</sup>);
- ★ Immigrants admitted for the purpose of remunerated activities, including:
  - ✓ Employed;
  - ✓ Self-employed;
  - ✓ Business owners;
  - ✓ Highly qualified workers under Directive 2009/50/EC (Blue Card)<sup>5</sup>;
  - ✓ Highly qualified workers under national labour permits for (highly) skilled workers;
  - ✓ Seasonal workers (including those covered by the Seasonal Workers Directive, 2014/36/EU<sup>6</sup>);
  - ✓ intra-corporate transferees (ICT) (including those covered by the ICT Directive, 2014/66/EU<sup>7</sup>);

<sup>1</sup> The Study does not examine issues associated with the abuse of such channels, though it is acknowledged that there may be associated risks in temporary migrants abusing this opportunity and undermining the original purpose of a country’s immigration laws. Changes of status resulting from a criminal behaviour, e.g. through fraud or blackmailing of officials are also not covered by this Study.

<sup>2</sup> Two CJEU judgments clearly differentiate between applicants for international protection and applicants for other (national) types of protection: Case C-542/13, M’Bodj and Case C-562/13, Abdida, available on the website <http://curia.europa.eu/>

<sup>3</sup> Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service

<sup>4</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research

<sup>5</sup> 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

<sup>6</sup> 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

- ★ Investors;
- ★ Family members (excluding third-country nationals who are family members of EU citizens);
- ★ Long-stay (D-type) visa holders;
- ★ Victims of human trafficking or smuggled third-country nationals<sup>8</sup>;
- ★ Other i.e. third-country nationals whose (long-term) authorisation to stay is not covered by the Long-Term Residents Directive (2003/109/EC<sup>9</sup>).

The Study thus covers those migrants holding an ‘authorisation / right to stay’, who are not in an irregular situation (with the exception of applicants for international protection or other national types of protection who have received a final negative decision<sup>10</sup>) and all situations where the **change of status takes place inside the territory** of a particular Member State without the requirement for the individual to first leave the Member State or return to their country of origin.

This Study specifically covers the following main research points:

- ★ Mapping of the national legislation / policies available to third-country nationals covered by the present study and rights acquired by these third-country nationals;
- ★ Identification of the national rules on changes in purpose of stay that (can) apply to the categories of migrants covered by this Study;
- ★ Examination of the various rights that are granted to the categories of migrants who benefit from each particular status and the impact of changes of status on the rights of these migrants;
- ★ Comparison and assessment of the different national policies in place for changes in purposes of stay, identifying the main drivers from the perspective of national legislators;
- ★ Identification of specific measures in place in the Member States to facilitate changes in statuses of migrants in the categories covered by the Study;
- ★ Analysis of the challenges associated with the implementation of these policies;
- ★ Collecting good practices and lessons learnt in devising secure and administratively-friendly

<sup>7</sup> Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer

<sup>8</sup> Directive 2004/81/EC defines the latter (smuggled third-country nationals) as third-country nationals who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. It is noted that only ten Member States (AT, BE, CZ, EL, EE, LU, MT, PT, RO, SE.) have opted to consider smuggled persons eligible for a residence permit under the Directive.

<sup>9</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

<sup>10</sup> provided the national regulation authorizes them to change their status, which is not the case in FR for example

systems for implementing status changes of legally admitted third-country nationals.

This Study also presents the **statistics**, provided by Eurostat and the Member States, on the number of third-country nationals that have been granted such status changes over the period of the last five years (2010-2014).

Those who have been granted the status of long-term resident in accordance with Directive 2003/109/EC and those recognised as refugees or granted subsidiary protection under the **recast Qualification Directive** (2011/95/EC)<sup>11</sup> are **out of the scope** of the present Study.<sup>12</sup> Finally, changes of status resulting from **regularisations** i.e. the shift from unauthorised to authorised stay or ‘amnesty’ **are not covered**.

## 1.2 INFORMATION ON THE SCALE

Not all of the migrations statuses in the scope of this Study exist in all Member States, which does not mean that these categories of migrants are not admitted to the Member State as they can obtain those statuses under other existing schemes. Table 1.1 below provides an overview of the Member States with certain migration statuses in place.

In some Member States, statuses that exist as separate statuses elsewhere are grouped together as one category. In **Estonia** and **Sweden**, for example, there is no specific status for highly qualified workers – instead, they receive the same type of status as other labour migrants. In other Member States there is no separate status for some categories of migrants, e.g. business owner, seasonal worker, ICT or investor, however these categories can obtain a status through the existing schemes (e.g., employee, self-employed, highly-skilled worker etc.).<sup>13</sup>

**Table 1.1: Overview of existing migration statuses in the Member States covered by the Study**

Migration status	Member States	
	Exist	Does not exist
<b>Family (24 MSs)</b>	All MSs: AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK	
<b>Education (24)</b>	All MSs: AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK	
<b>Research (23)</b>	AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK	UK
<b>Blue Card (22)</b>	AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LU, LV, NL, PL, SE, SI,	IE, UK

<sup>11</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, (recast)

<sup>12</sup> As the permit granted is permanent, these third-country nationals are not in a need for a status change opportunity

<sup>13</sup> A detailed overview of all legal possibilities per migration status and Member State is provided in Annex 2

Migration status	Member States	
	Exist	Does not exist
	SK	
<b>Highly qualified worker (15)</b>	AT, BE, BG, CY, DE, EL, ES, FI, FR, IE, IT, LV, NL, SI, UK	CZ, EE, HR, HU, LT, LU, PL, SE, SK
<b>Employee (24)</b>	All MSs: AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK	
<b>Self-employed (21)</b>	AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK	LT, PL, UK
<b>Business owner (17)</b>	BG, CY, CZ, DE, EE, EL, ES, FR, HR, HU, IE, IT, LT, LV, PL, SK, UK (with restrictions)	AT, BE, FI, LU, NL, SE, SI
<b>Seasonal worker (15)<sup>14</sup></b>	AT, CY, CZ, DE, EL, ES, FR, HR, HU, IT, LT, LV, NL, SI, SK	BE, BG, EE, FI, IE, LU, PL, SE, UK
<b>ICT (16)<sup>15</sup></b>	AT, CY, CZ, DE, EL, ES, FR, HR, IE, IT, LT, LV, PL, SI, SK, UK	BE, BG, EE, FI, HU, LU, NL, SE
<b>Investor (13)</b>	BG, CY, EL, ES, FR, HR, HU, IE, IT, LV, NL, SI, UK	AT, BE, CZ, DE, EE, FI, LT, LU, PL, SE, SK
<b>Long-stay (D-type) visa holder (22)</b>	AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LU, LV, NL, PL, SE, SI, SK	IE, UK
<b>Asylum seeker (24)</b>	All MSs: AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK	
<b>Victim of trafficking and/ or smuggling<sup>16</sup> (23)</b>	AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK	UK <sup>17</sup>

At the end of 2014, a total of 17.8 million third-country nationals held a valid residence permit in the EU Member States. 82% of those were valid for 12 months and longer, 15% for 6-11 months and 3% for 3-5 months. Most of the residence permits were valid for **family** reasons (39% or 6,917,324), **other** reasons<sup>18</sup> (34% or 5,977,599) and reasons related to **remunerated** activities<sup>19</sup> (16% or 2,923,932). Residence permits valid for education reasons have increased over time, from 506,303 in 2010 to 1.1

<sup>14</sup> The deadline for transposition of the Seasonal Workers Directive is 30 September 2016, which may explain why this status does not exist (yet) in BE, BG, LU, PL and SE

<sup>15</sup> The deadline for transposition of the ICT Directive is 29 November 2016, which may explain why this status does not exist (yet) in BE, BG, LU and SE. Poland has not yet transposed the ICT Directive. However, national regulations refer to foreigners delegated on the territory of Poland by a foreign employer

<sup>16</sup> Nine Member States (AT, BE, CZ, EL, LU, MT, PT, RO, SE) have opted to consider smuggled persons eligible for a residence permit under the Directive

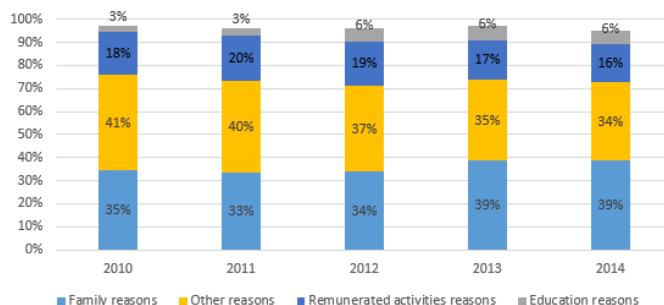
<sup>17</sup> A victim of trafficking may be able to obtain discretionary leave, however there is not a distinct status for trafficking victims

<sup>18</sup> Other reasons do not include residence permits for refugee status and subsidiary protection, which for the period 2010-2014 account for around 2% (increasing in absolute numbers from 256,068 in 2010 to 399,569 in 2014) and 1% (192,297 in 2014) of the total respectively each year. Stock data (as of 31<sup>st</sup> December) include: Humanitarian reasons; Unaccompanied minors (non-asylum related); Victims of trafficking in human beings; Residence only; Residual categories

<sup>19</sup> As per Eurostat metadata ([http://ec.europa.eu/eurostat/cache/metadata/Annexes/migr\\_res\\_ms\\_an6.pdf](http://ec.europa.eu/eurostat/cache/metadata/Annexes/migr_res_ms_an6.pdf)) includes: highly skilled workers, EU Blue Card, Researcher, Seasonal worker, other remunerated activities (e.g., employed and self-employed persons, remunerated trainees, and remunerated au-pairs)

million in 2013 and 2014, as shown in Figure 1.1 below.

**Figure 1.1: Share of all valid residence permits in EU per reason, 2010-2014<sup>20</sup>**



Source: Eurostat, extracted on 21 March 2016

Table 1.2 below provides an overview of Member States with the highest shares of valid residence permits out of the EU total per reason in 2014. Some Member States are more present in certain categories of migration statuses. For example, 29% of all valid residence permits related to remunerated activities in the EU had been issued in **Italy**, whereas 47% of all permits related to education had been issued in the **United Kingdom**.

**Table 1.2: Member States with the highest share of valid residence permits out of the EU total per reason, 2014**

Family reasons	Other reasons <sup>21</sup>	Remunerated act. reasons <sup>22</sup>	Education reasons
IT: 29%	DE: 28%	IT: 59%	UK: 47%
DE: 22%	ES: 23%	UK: 12%	FR: 13%
FR: 15%	FR: 20%	ES: 8%	DE: 13%
ES: 14%	AT: 6%	PL: 5%	IT: 5%

Source: Eurostat, extracted on 21 March 2016

As per Figure 1.2 below, the number of changes of status has been decreasing since 2010 when the number was at its peak, with over 700,000 changes recorded that year. In 2014, 310,372 changes of status were made. The relative weight of the different change of status categories has also changed over the period 2010-2014, with the proportion related to remunerated activities decreasing from 69% in 2010 to 40% in 2014. However, these data should not be considered to provide a comprehensive picture of changes of status, as Eurostat data only show changes between the broad categories, and thus do not show status changes between the many different types of remunerated activities recorded by the Member States.

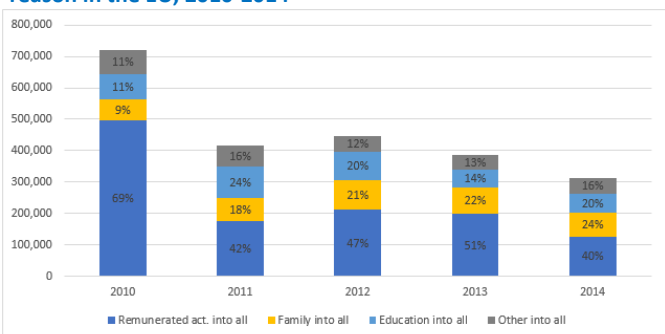
<sup>20</sup> As of 31<sup>st</sup> December

<sup>21</sup> For the change of status this refers to flow data and includes: Refugee status and subsidiary protection; Humanitarian reasons; Unaccompanied minors (non-asylum related); Victims of trafficking in human beings; Residence only; Residual categories

<sup>22</sup> Includes: highly skilled workers, EU Blue Card, Researcher, Seasonal worker, other remunerated activities (e.g., employed and self-employed persons, remunerated trainees, and remunerated au-pairs)



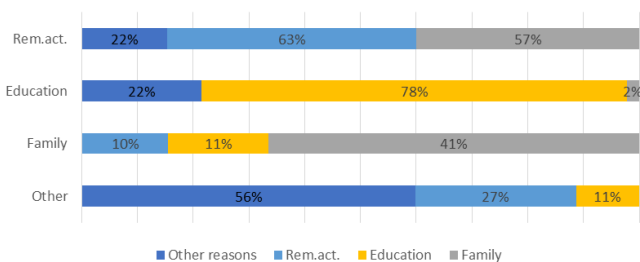
**Figure 1.2: Total number and share of change of status from a reason in the EU, 2010-2014<sup>23</sup>**



Source: Eurostat, extracted on 21 March 2016

Figure 1.3 below provides an overview of the changes into a status in 2014. The majority of changes into remunerated activities were made from education reasons (63%), into education from remunerated activities (78%) and into family from other reasons (41%).

**Figure 1.3: Share of change of status into a reason out of all changes per reason in the EU, 2014<sup>24</sup>**



Source: Eurostat, extracted on 21 March 2016

Table 1.3 below highlights the Member States with the highest share of status changes per reason in the EU in 2014. **Spain**, for example, accounted for 52% of the status changes from remunerated activities to another status, while **France** changed most statuses which were initially issued for family reasons. Most changes into remunerated activities and family reasons were recorded in **France**, while most changes into education reasons were made in **Germany** and the **United Kingdom**. Data on 'other reasons' however should be read with caution due to great variations in the type of changes recorded under this category by Member States.

**Table 1.3: Member States with the highest share of change of status from and into reason out of the EU total per reason, 2014**

FROM			
Remunerated act. reasons	Family reasons	Education reasons	Other reasons
ES: 52% PT: 16% FR: 10% CZ: 7%	FR: 49% ES: 26% DE: 13% CZ: 3%	FR: 33% DE: 20% UK: 19% ES: 6%	FR: 43% UK: 15% ES: 14% DE: 13%

<sup>23</sup> Does not include data in 2010 from: BG, CY, HR, NL; 2011: BE, BG, CY, HR, NL; 2012: BE, CY, HR, NL; 2013: BE, CY, LT, NL; 2014: BE, CY and EL

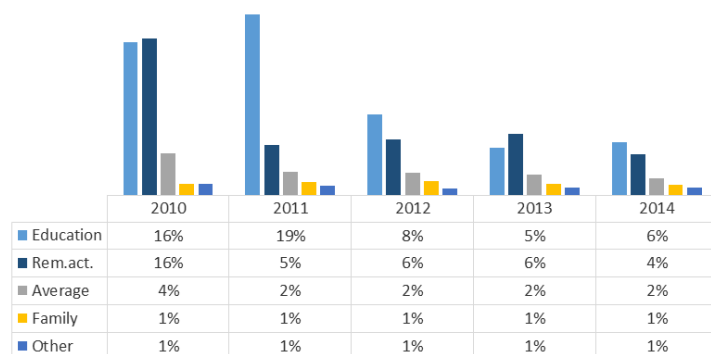
<sup>24</sup> No data available for BE, CY and EL

INTO			
Remunerated act. reasons	Family reasons	Education reasons	Other reasons
FR: 36% DE: 16% UK: 14% ES: 12%	FR: 41% UK: 19% DE: 15% ES: 14%	DE: 29% UK: 23% FR: 13% CZ: 11%	ES: 45% FR: 25% PT: 11% DE: 7%

Source: Eurostat, extracted on 21 March 2016

In the period 2010-2014, each year around 2% of all third-country nationals with a valid residence permit made a change to their status (see Figure 1.4 below). On average, the share of changes has decreased from 4% in 2010 to 2% in 2011-2014. The change of status most often took place from a permit issued for education reasons to any other given reason. This has however changed significantly over time. In 2011, 19% of all third-country nationals with a residence permit for education reasons changed their status while in 2014 this had been reduced to 6%. The share of changes from remunerated activities reasons has also decreased and was the lowest in 2014 representing 4%.

**Figure 1.4: Share of change of status out of all valid residence permits from a reason in the EU, 2010- 2014**



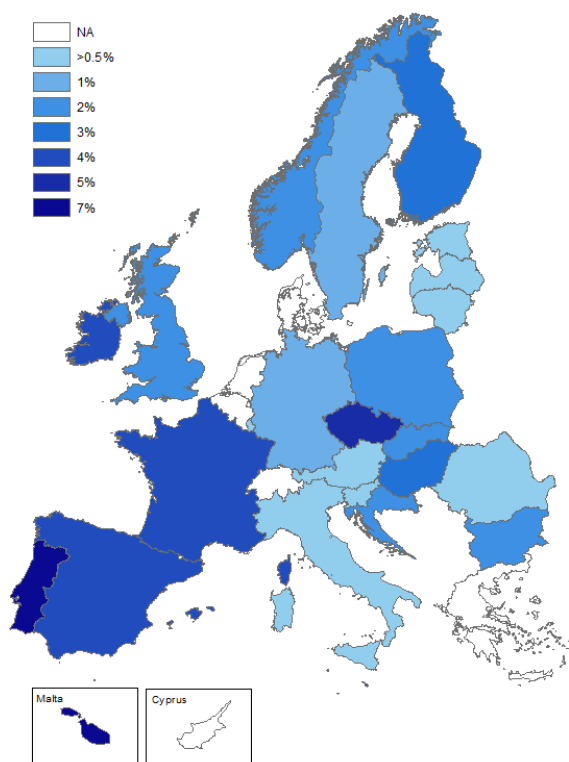
Source: Eurostat, extracted on 21 March 2016

Figure 1.5 below presents the share of status changes out of all valid residence permits<sup>25</sup> in 2014, which ranges from less than 1% to 7%. In 2014, a status was more often changed in **Portugal** (6.9%), **Malta** (6.6%), **Czech Republic** (4.7%), **Ireland** (3.9%), **Spain** (3.7%) and **France** (3.5%).<sup>26</sup>

<sup>25</sup> The Eurostat data for UK may not be fully comparable with the statistics reported by other countries. Statistics for the UK are not based on records of residence permits issued (as the United Kingdom does not operate a system of residence permits), but instead relate to the numbers of arriving non-EU citizens permitted to enter the country under selected immigration categories. According to the United Kingdom authorities, data are estimated from a combination of information due to be published in the Home Office Statistical Bulletin 'Control of Immigration: Statistics, United Kingdom' and unpublished management information. Changes of status (referred to as in country extensions) are not a sub-category of visas issued, but a separate category.

<sup>26</sup> No data available for BE, CY, EL and NL

**Figure 1.5: Share of changes of status out of all valid residence permits in 2014**



Source: Eurostat, extracted on 21 March 2016; no data on changes available for – BE, CY and EL

In **Portugal** (99% out of total changes in the Member State), **Czech Republic** (69%) and **Spain** (65%) the majority of status changes were from **remunerated activities** to **other** reasons<sup>27</sup>. In **France** the highest share of changes occurred from **family** into other reasons (40% out of total changes in the Member State) while in **Ireland** majority of changes were made from **education** reasons (49%) to remunerated activities (46%) and family reasons (36%). Additional data analysis is presented in the remainder of the report, where relevant.

### 1.3 STRUCTURE OF THE REPORT

**Section 2** provides an overview of the EU legislation and national migration systems in relation to changes of status. It also looks at the national interpretation of change of status, its reflection in national debates and presents the main drivers behind the development of the Member States' legislative frameworks on status changes, against the EU legal migration objectives stipulated in the European Agenda on Migration.

**Section 3** provides an overview of the legal possibilities in Member States for a change of status and the rights altered due to these changes. It also looks at stakeholders involved in the development of policies for the change of status and channels used to provide information on the possibilities to change status.

**Section 4** presents an overview of the legal bases underpinning the procedures for changes of status without leaving the territory of the Member State, lists the main criteria for issuing a particular authorisation to stay or a residence permit, examines the cases where criteria to change status differ from first time application procedures and highlights the quota limitations for changes of status applied in the Member States. It also provides an overview of procedural facilitations provided by Member States to ease the change of status as compared to first time applications.

**Section 5** examines the available evidence on the effectiveness, impact and perception of national change of status policies and the extent to which these policies have contributed to promoting or hindering changes of status in the Member States. It also outlines the role of change of status in prevention of irregularity.

**Section 6** looks at challenges, obstacles and good practices related to the change of status for third-country nationals whilst remaining on the territories of Member States.

The conclusions of this report are presented in **Section 7**.

**Annex 1** provides a brief overview of the minimum standards in relation to key rights granted by EU-regulated statuses.

**Annex 2** offers a detailed overview of all legal possibilities for change of status in the Member States covered by this Study.

**Annex 3** provides an overview of main 'common' admission criteria required for the first time applicants identified in the Member States.

**Annex 4** contains the relevant data sets from Eurostat and National Reports that have been used to inform the analysis in this report.

## 2 EU legal framework and national migration systems in relation to status changes

This section provides an overview of relevant EU legislation (sub-section 2.1) and national migration systems in relation to changes of status (sub-section 2.2). It also looks at the national interpretation of change of status in practice and reviews whether changing status is an issue in national debates. The last part of this section (sub-section 2.3) presents the main drivers behind the development of the Member States' legislative frameworks on status changes, and puts these in relation to the EU legal migration objectives.

<sup>27</sup> As per Eurostat

## 2.1 THE EU LEGAL FRAMEWORK

Several migration statuses covered by the Study are to a large extent or partly (in the sense that Member States may have a similar national status) regulated by EU law, as shown in Table 2.1 below.

**Table 2.1: Migration statuses regulated by EU legislation**

Migration status	EU legislation	MS have an opt-out
Family	Family reunification Directive 2003/86/EC <sup>28</sup> and Single Permit Directive 2011/98/EU <sup>29</sup> (if third-country national is allowed to work)	Both: DK, IE, UK
Education	Students Directive 2004/114/EC Single Permit Directive 2011/98/EU (if having access to the labour market)	Both: DK, IE, UK
Research	Researchers Directive 2005/71/EC Single Permit Directive 2011/98/EU	2005/71/EC: DK, UK 2011/98/EU: DK, IE, UK
Blue Card	Blue Card Directive 2009/50/EC and Single Permit Directive 2011/98/EU	Both: DK, IE, UK
Seasonal worker	Seasonal workers Directive 2014/36/EU	DK, IE, UK
ICT	ICT Directive 2014/66/EU	DK, IE, UK
Asylum applicant	Reception Conditions Directive 2013/33/EU <sup>30</sup> Asylum Procedures Directive 2013/32/EU <sup>31</sup>	2013/33/EU: DK, IE, UK 2013/32/EU: DK, IE, UK IE and UK participate in 2005/85/EC <sup>32</sup>
Victim of trafficking	Victims of Trafficking Directive 2004/81/EC <sup>33</sup> and Directive 2011/36/EU <sup>34</sup>	2004/81/EC: DK, IE, UK 2011/36/EU: DK, UK

Although none of the Directives include provisions related to a change of status, each sets the minimum standards for the rights to be granted to third-country nationals who obtain such status. The minimum standards in relation to the most important rights in the context of this Study are presented in Annex 1 and further analysed in Section 3.2.

The **Family Reunification Directive** (2003/86/EC) aims to establish harmonised rules relating to the right of third-country nationals to be reunited with their family. It applies to third-country nationals who have a **residence permit** valid for at least one year and who have a **genuine option of long-term residence**. The

<sup>28</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification

<sup>29</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

<sup>30</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)

<sup>31</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)

<sup>32</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

<sup>33</sup> Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

<sup>34</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

Directive sets the conditions, procedure as well as rights to be granted to the family members of third-country nationals.

The **Single Permit Directive** (2011/98/EU) establishes a single residence and work permit for third-country nationals who are seeking to be admitted to a Member State to **stay** and **work** or third-country nationals who are already **residing** in a Member State and having an **access to the labour market** or are already **working** in a Member State. It also defines a set of common rights to be offered to third-country nationals covered by the Directive.

The **Students Directive** (2004/114/EC) sets harmonised rules and conditions concerning the admission of third-country nationals to the Member States, for a period exceeding three months for the purposes of **studies, pupil exchange, unremunerated training** or **voluntary service**, as well as the minimum rights to be granted to those admitted to the Member States.

The **Researchers Directive** (2005/71/EC) introduces a special procedure governing the entry and residence of third-country nationals coming to **carry out a research project** in the EU for a period of more than three months.

On 11 May 2016, European Parliament approved amendments to the **Visa Directive** (2016/801/EU)<sup>35</sup> that harmonises entry and residence rules for non-EU students and researchers. The new Visa Directive allows non-EU students and researchers to stay at least nine months after finishing their studies or research in order to look for a job or set up a business; the right to move within the EU during their stay without having to file a new visa application when moving from one Member State to another and the right to work at least 15 hours a week during their studies. Researchers will be entitled to bring their family members with them, and those family members will be allowed to work during their time in Europe.<sup>36</sup> EU Member States have two years to adopt national laws and regulations that comply with the Directive.

The **Blue Card Directive** (2009/50/EC) applies to **highly qualified** third-country nationals seeking to be admitted for more than three months for the purpose of **employment** to the Member States, including their family members. It sets the entry conditions, the

<sup>35</sup> Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast)

<sup>36</sup> European Parliament, Press release (11 May 2016): New rules to attract non-EU students, researchers and interns to the EU, available at: <http://www.europarl.europa.eu/news/en/news-room/20160504IPR25749/New-rules-to-attract-non-EU-students-researchers-and-interns-to-the-EU>

admission procedure and the minimum rights to be granted.

The **Seasonal workers Directive** (2014/36/EU) applies to non-EU workers whose principal place of residence is in a non-EU country and who enter an EU Member State to work there temporarily. The Directive requires each Member State to draw up a list of sectors that are dependent on seasonal conditions (for example, summer tourism and harvesting of certain crops). Member States are required to transpose the Directive by 30 September 2016.

**ICT Directive** (2014/66/EU) applies to third-country nationals and their families who are **transferred by their company** to work in one or more of its centres inside the EU for more than three months. The Directive provides a mechanism by which the transferee can carry out his/her assignment in multiple EU Member States without interruption and without the need to re-apply for admission each time s/he moves country. Member States are required to transpose the Directive by 29 November 2016.

The standards of rights of **applicants for international protection** are laid down in two EU legislative instruments, namely the **Reception Conditions Directive** (2013/33/EU), which sets minimum standards with regard to hosting asylum seekers and the rights to be granted while hosting them, and the **Asylum Procedures Directive** (2013/32/EU) which includes procedural standards.

**Victims of Trafficking Directive** (2004/81/EC) applies to third-country nationals who have entered the EU legally or illegally. It sets the rules and conditions under which, Member State may grant a residence permit. Directive 2011/36/EU, which primarily lays down minimum common rules for determining offences of trafficking in human beings and punishing offenders, also provides for measures to strengthen the protection of victims.

## 2.2 GENERAL OVERVIEW OF NATIONAL MIGRATION SYSTEMS IN RELATION TO STATUS CHANGES

### 2.2.1 NATIONAL MIGRATION SYSTEMS

When a person wants to migrate to the EU, most Member States require third-country nationals to lodge a first application from abroad. However, when a third-country national is already on the territory of a Member State, s/he may in some cases apply for a change of the existing migration status without having to leave the country.

In general, in all Member States it is legally possible for at least some categories of legally residing third-country nationals to change their status without leaving the country (**AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LT, LV, NL, PL, SE, SI, SK** and **UK**). Some of these have applied this

possibility to the majority of categories of third-country nationals residing in their country (**AT, BE,<sup>37</sup> EE, ES, FR,<sup>38</sup> HU, LT, NL, PL,<sup>39</sup> SK**) while others have adopted a more **restrictive position**, allowing changes only for specific categories (**LU, SE**) or imposing additional restrictions on the change (**CZ, LV**), such as the need to have spent a certain period of time in the country with another permit (**CZ**) or, for students, the graduation of the study course (**LV**). In **Spain**, since 2013 changes to migrant statuses related to talent, entrepreneurship and investment are allowed from all categories of third country nationals residing in the country without imposing additional requirements (i.e. without having to spend a certain period of time in Spain). According to the National Report, international students wishing to change their migration status to highly qualified workers and entrepreneurs have mainly benefitted from these provisions. In **Czech Republic**, for instance, changes from the family member status are possible only after having spent three continuous years in the country, while changes for business reasons require that the applicant had spent two continuous years in the country. **Greece** is more restrictive, prohibiting a change of status for most categories of third-country nationals (e.g. investors, students, researchers, highly qualified workers, volunteers, military and similar academics).

Some Member States also legally permit status changes for those third-country nationals who do not regularly reside in the Member State.<sup>40</sup> For example, **Finland** and **Sweden** allow rejected asylum seekers to obtain a status for family reasons and some forms of employment, in **Belgium** rejected asylum seekers have the possibility to change status into 'family member of a Belgian national' (see full list in Table A2.1) while in **Austria, Czech Republic, Lithuania, Poland** and **Germany**, persons who cannot be returned to their country of origin may receive 'tolerated stay' or humanitarian status. Germany may allow for a change of status later on, if certain requirements are met.

Besides the ordinary change of status mechanisms available for every third-country national meeting the relevant admission criteria, some Member States have in place ad-hoc procedures that can be applied on a **case-by-case basis** (**BE, CY**). These mainly concern changes from (rejected) asylum seekers, but can be also applied to other individuals (**BE**).

In the majority of Member States (**except DE, EL, LV, SE** and **UK**), the conditions to be met for a change of

<sup>37</sup> This excludes visitors and third-country nationals with a pending application

<sup>38</sup> Excluding 2 categories covered by this study: seasonal workers and ICT

<sup>39</sup> This excludes inter alia asylum seekers

<sup>40</sup> Regularisations, namely state procedures by which illegally staying third-country nationals are awarded a legal status, are outside the scope of this study

status are very **similar to the procedure for first time applicants**, with the exception that the requirement of lodging the application via foreign consulates and embassies, or electronically from abroad (**SE**), is waived. However, several Member States have in place specific provisions (e.g. 'bridging' permits<sup>41</sup>), or more **facilitated routes** that allow the third-country nationals already on the territory to change their migration status. These are further discussed in Section 4.

### 2.2.2 NATIONAL DEBATES ON CHANGE OF STATUS

The extent to which the national debates in Member States focus on migrants' change of status differs. In most Member States, within the more general debates on migration, there is **no public debate** on the general issue of change of status (**AT, BE, BG, CY, EE, ES, FI, HR, HU, IE, LV, LT, LU, NL, PL, SE, SI, SK** and **UK**).

Despite the lack of public debate, however, in some Member States, **experts** representing academia and practitioners are discussing specific aspects linked to changes of status. In **Latvia** there is a debate on the time granted to migrants to apply for a change of status, while in **Lithuania** the debate focuses on the requirements for changes into highly qualified workers and business owners. In **Poland** and **Sweden**, there have been discussions on whether students should be allowed to change into labour migrants. The debate in **Sweden** as well as in **Poland** has resulted into the creation of a jobseeker permit for graduates, introduced in 2014. A similar debate is on-going also in **Spain**.

Changes from **student** status are the most covered in public or experts' debates, either in relation to their right to stay in the country (**DE, ES, FR, IE, LU, PL, SE**) or in relation to prevention of abuse of the migration system (**CZ, PL, UK**). For example, in the **United Kingdom** it was detected that graduate students from third countries were in unskilled jobs.

A particularly controversial debate revolves around the topic of change **from (rejected) asylum seekers** into economic migrants. In **Sweden** this question was raised prior to the current migration situation and focussed on asylum seekers who had already started working in the country<sup>42</sup> but whose application for

asylum was ultimately rejected. In 2008, a legislative change allowed rejected asylum seekers who had worked for at least six months in the country to switch status; in 2014, the minimum working period was reduced to four months in order to further facilitate this type of status change. In **Germany**, a similar debate was ignited by the current migration situation. Academics, politicians and the wider public are currently discussing whether (rejected) asylum seekers should be allowed to apply for the status of economic migrants. For well-integrated young people and adolescents with a tolerated stay status as well as persons whose deportation was suspended and who became integrated lastingly into society; the opportunities to change into a legal status were facilitated by amendments to the Residence Act introduced in August 2015.

### 2.3 MAIN DRIVERS/ REASONS BEHIND CHANGES OF STATUS PROMOTED BY LEGISLATORS

In the context of the **EU2020 Strategy**, labour migration is seen as one of the ways to boost economic growth, with comprehensive and adaptive labour migration policies providing opportunities to better meet the needs of the labour markets<sup>43</sup>. In the 2015 **European Agenda on Migration**<sup>44</sup>, the Commission launched a new policy on legal migration, as one of the four pillars to better manage all aspects of migration, which should help the EU to attract workers with the skills it needs and assist it in facing the long-term economic and demographic challenges. All European economies are faced with skills shortages and a shrinking of the working age population. In this context, migration is an essential element to ensure sustainable growth of European economies.

It is interesting to note that Member States which actively facilitate the switch between migration statuses were often driven by similar goals as those set out in the Agenda (more information on Member States facilitating status changes in Sections 4.3 and 4.5). The vast majority of Member States allow migrants to change their status for the benefit of the general economy (**macroeconomic reasons**) as this contributes to filling labour shortages, retaining talented migrants and ensuring that the skills already available on the territory are made use of (**AT, BE, BG, CY, DE, IE, EE, ES, FR, HU, IT, LT, LU, NL, PL, SE, SK** and **UK**). Such changes are mostly allowed to students who wish to become economic migrants, or within economic categories (**AT, BE, CY, DE, IE, EE, ES, FR, LT, LU, NL, PL, SE, SK** and **UK**). **Belgium**, for instance, prompted by economic reasons, first

<sup>41</sup> For instance, Germany issues a job seeker permit for third country nationals graduated at German universities which is valid up to 18 months (Residence Act, 16(4)); or a job seeker permit to qualified third country nationals (Residence Act, 18c) valid up to 6 months. To bridge the statuses involved in the switch, Estonia has recently introduced a legislative change (valid as for January 2016) that foresees that, when the residence permit expires, a transitional residence period is issued, to allow the migrant to find another basis for a new residence permit. Such transitional period lasts normally 90 days, but it is extended to 183 days for students, researchers and lecturers. In the case of Spain, once the change has been applied for, the validity of the previous permit remains until the end of the administrative process. By doing this, migrants remain in a regular status within all the process.

<sup>42</sup> As permitted by the Reception Conditions Directive 2013/33/EU

<sup>43</sup> European Commission (2010), Europe 2020. A European Strategy for smart, sustainable and inclusive growth, COM(2010) 2020 <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>

<sup>44</sup> European Commission (2015), A European Agenda on Migration, COM(2015) 240 final [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf)

introduced legislative changes to allow students to apply for the economic migration status and subsequently extended this possibility to almost all other categories of migrants. The **Netherlands** provides an opportunity for third-country nationals completing studies in the Netherlands to stay for the purpose of an orientation year for highly qualified persons. In **Spain**, on the assumption that migration is one element to boost economic and social growth, changes of status are currently considered a strategic tool for retaining talent and for letting professionals with an international background fill labour shortages.

Some Member States indicated that allowing a status change in the country made migration procedures more cost-efficient and the whole migration system more flexible (**microeconomic reasons**) (**BE**,<sup>45</sup> **ES**, **IT**, **LU**, **SE**, **SK**). These Member States emphasised the reduced administrative costs as applications for a change of status required much less processing time and resources than first-time applications. They also highlighted the benefits for employers, who did not have to wait for the migrant to apply again as the latter could stay on the territory during the application. In this sense, status changes can be seen as pragmatic solutions to potentially difficult situations.

In addition to the macro and microeconomic reasons, some Member States consider that allowing a change of status fostered migrants' **integration** into the host society (**DE**, **ES**, **FR**, **SE**) and **prevented them from falling into irregular situations** (**AT**, **IT**, **EL**, **ES**). Similarly, **Luxembourg** referred to the increasing personal autonomy of migrants to justify changes from family into 'private reasons'<sup>46</sup>. Especially in relation to changes from (rejected) asylum seekers and tolerated stay status, some Member States referred to **humanitarian reasons** (**BE**, **DE**, **IE**, **PL**, **SE**).

Since 2005, the **Global Approach to Migration and Mobility** (GAMM)<sup>47</sup> has been the overarching framework of the EU external migration and asylum policy, based on common political principles and solidarity. GAMM agenda is based on four priorities, emphasising a better organised **legal migration** and well managed mobility, prevention and combatting of **irregular migration**, promoting **international protection** and maximising the **development** impact of migration and mobility. Indeed a couple of Member

States mentioned **development-related objectives** as a driver for status change, listing a number of different motives. For example, avoiding brain drain was the reason why **Luxembourg** allowed graduates' students to get working experience for a maximum of two non-renewable years, to ensure that migrants returned to their countries of origin and contributed to their community. **Sweden** reported that allowing graduates to stay in the country for work purposes after graduation for an unspecified period helped the development of their origin country in terms of remittances and the transfer of skills and work experience and the establishment of economic and cultural links between Sweden and other countries.

Some Member States were driven by reasons that were not politically motivated. **Latvia** and **Bulgaria** for example referred to harmonisation with EU law as a reason for changing their national law with regard to change of status (see National Reports for more detail). The high number of persons who for various reasons cannot be returned to their country of origin, has led to discussions in **Germany** on further facilitating a status change from 'tolerated' stay<sup>48</sup> status into employment status. Several facilitations have already been introduced over the past years. **France** and **Ireland**<sup>49</sup> stressed that allowing foreign students to change their migration status once graduated increased the attractiveness of the country's higher education system.

Finally, the **United Kingdom** provided reasons for both facilitating and limiting the change of status – while migrants who fulfil the conditions to change status from student to work related statuses, one of the routes were closed after suffering a large-scale abuse. In 2012, the United Kingdom closed the post-study route in Tier 1<sup>50</sup>, which allowed students to apply to highly qualified workers status. This was closed as many graduates who made this change were not working in graduate-level jobs and, as a consequence, the purpose of the scheme was not achieved. The impact of these changes is further discussed in Section 3.1.2.

### 3 Legal possibilities for change of status while remaining in the Member States

This section provides an overview of the legal possibilities in Member States for third-country nationals to change their status and whether their rights are altered when obtaining the new status.

<sup>45</sup> Microeconomic reasons are also indirectly applicable in Belgium, however not as a main driver

<sup>46</sup> The authorisation to stay for 'private reasons' can be granted if third-country national can live on his/her own resources; if the third-country national does not fulfil the conditions for family reunification, but has personal or family ties which are so important that a refusal to grant him residence would violate his right to respect for private and family life in a disproportionate manner compared to the motives of refusal. Information available at:

<http://www.guichet.public.lu/entreprises/en/ressources-humaines/recrutement/ressortissant-pays-tiers/raisons-privees/index.html>

<sup>47</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/index_en.htm)

<sup>48</sup> The tolerated stay status is not a right of residence, but a temporary suspension of deportation of a foreigner. This suspension of deportation is granted for a short period of time and is repeatedly extended until return is possible or the person in question meets specific requirements to change into a legal residence title.

<sup>49</sup> Investing in Global Relationships: Ireland's International Education Strategy 2010-2015, available at: [www.education.ie/en/Publications/Policy-Reports/Ireland-s-International-Education-Strategy-2010-2015-Investing-in-Global-Relationships.pdf](http://www.education.ie/en/Publications/Policy-Reports/Ireland-s-International-Education-Strategy-2010-2015-Investing-in-Global-Relationships.pdf)

<sup>50</sup> Tier 1 is a migration route available for investors, entrepreneurs, graduate entrepreneurs and exceptional talent

Eurostat data on status changes are also presented, but only for the broad categories, such as remunerated activities, family, education and other (that also includes protection purposes). Finally, the section includes a review of the stakeholders involved in policy development and practices around change of status.

### 3.1 LEGAL POSSIBILITIES TO CHANGE STATUS FROM WITHIN THE MEMBER STATE

All Member States participating in this study allow for some changes of status from within the Member State where third-country nationals are legally residing. These changes can be permitted through specific legal basis or policy/ practice in place (see more in Section 4.1). A detailed overview of all legal possibilities per migration status and Member State is provided in Annex 2. This section provides a summary of these possibilities as well as statistical information on the scale of the changes of status.

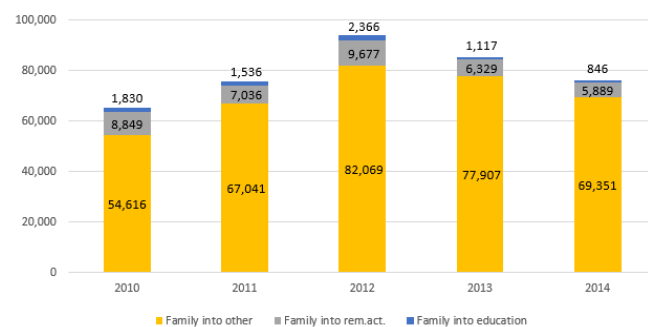
#### 3.1.1 FAMILY

All Member States participating in the study allow changes **from** the **family** status, which makes it the only migration status which can be changed from in the whole EU (see full list of changes possible in Table A2.1).

Between 2010 and 2014, each year only 1% of third-country nationals with a valid residence permit for family reasons changed their status, making it the least frequently used status change in comparison to changes made from education reasons (6%) and remunerated activities reasons (4%). This can possibly be explained by the usually long duration of the permit granted and the many rights associated with the family status (although, as further discussed in Section 3.2, the rights granted by the Family Reunification Directive (2003/86/EC) are in most cases linked to the rights granted to the sponsor<sup>51</sup>).

According to Eurostat, the majority of changes from **family** are into **other** immigration statuses (for which no further disaggregation is available). The peak of changes from family reasons was in 2012, when 94,112 changes were registered. In 2014, the share of changes into remunerated activities remained broadly the same as in 2013, showing a small increase from 7.4% to 7.7% out of all changes from family reasons, while changes into education decreased from 2.5% in 2012 to 1.1% in 2014.

**Figure 3.1: Change of status from family reasons in the EU, 2010-2014<sup>52</sup>**



Source: Eurostat, extracted on 2 March 2016

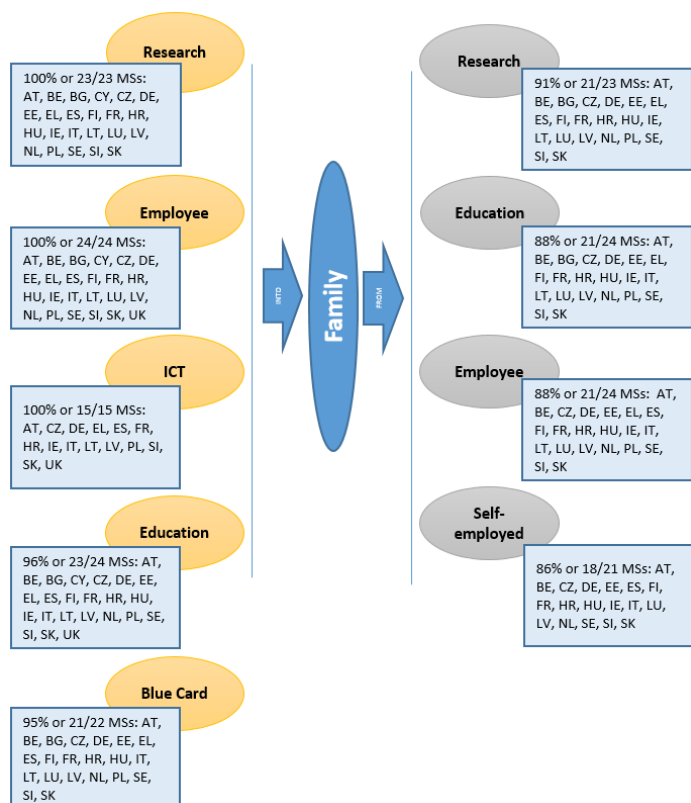
Member States which registered most changes from family reasons in 2014 in the EU were **France** (37,158), **Spain** (19,737), **Germany** (10,269) and **Czech Republic** (2,011). The high number of changes in **Spain** can be explained by the relatively short duration of the residence permit for family reasons. Although changes into an education status are the least frequent, for some Member States these shares are more significant. For example, in 2014 the share of all changes within each Member State from **family** into **education** was 36% in **Ireland**, 28% in **Slovakia** and 11% in **Poland**.

Figure 3.2 below presents the most often existing legal possibilities for a change **into** and **from** family reasons, while the full list is presented in Table A2.1.

<sup>51</sup> 'Sponsor' means a third country national residing lawfully in a Member State and applying or whose family members apply for family reunification to be joined with him/her

<sup>52</sup> Does not include data in 2010 from: BG, CY, HR, NL; 2011: BE, BG, CY, HR, NL; 2012: BE, CY, HR, NL; 2013: BE, CY, LT, NL; 2014: BE, EL, CY

**Figure 3.2: Legal possibilities for change of status from and into family<sup>53</sup>**



Note: threshold for 'into' is >95% and 'from' family is >85%

Although a significant share of Member States have legal possibilities in place, some Member States have certain requirements to be met before a third-country national becomes eligible to change the status from or into family reasons. These are provided in detail in Section 4.3.2.

### 3.1.2 EDUCATION

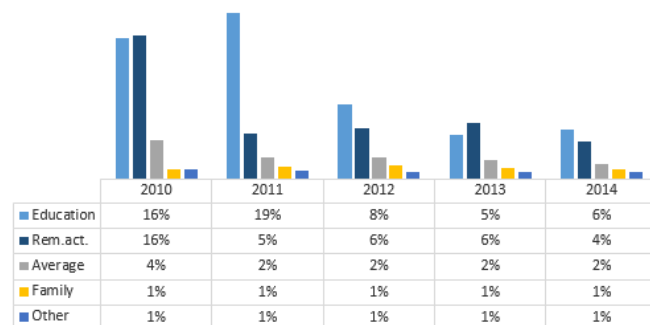
All Member States participating in this study (AT, BE, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SE, SI, SK, UK) allow for multiple status changes from and into education activities except Luxembourg and Spain. In Luxembourg the change from education into employee is only allowed for a limited period of two non-renewable years, after the expiry of the student status. The change of status from education is not possible into any other category. In Spain, third-country nationals holding a valid residence permit are entitled to study without changing status. For this reason, changes into education activities de facto do not exist in Spain (see full list of changes possible in Table A2.1).

The large share of legal possibilities for changes from education reasons is well reflected in statistics. When compared with the total number of valid residence permits in the EU, changes from education reasons

<sup>53</sup> The percentage is calculated as a share Member States having legal possibilities in place out of all Member States that have the relevant immigration status. See full list of these in Table A2.1 and Table A2.2

are the most popular. In 2014, 6% of third-country nationals with a valid residence permit for education reasons changed their status, as presented in Figure 3.3 below. This can be explained by the fact that the education status is by default temporary, i.e. it ends when the education activity ends. Therefore if someone wants to stay in the Member State, a change of status is always required.

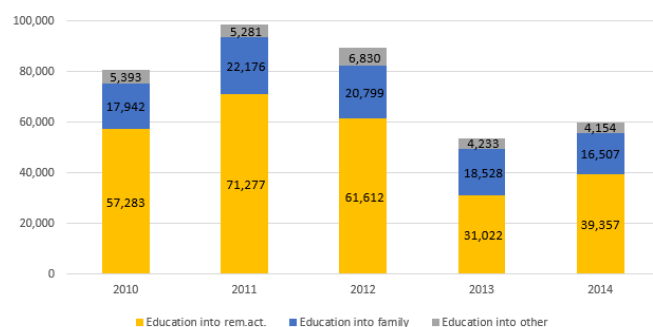
**Figure 3.3: Share of change of status from a reason out of all valid residence permits by reason in the EU, 2010-2014**



Source: Eurostat, extracted on 21 March 2016

The number of changes from education activities has changed over the period 2010-2014. While it was the highest in 2011 with 98,734 or 24% of all changes, this number dropped significantly over the years. In 2014, the number and share slightly increased again to 60,018 representing 19% of all changes. In 2014, the highest shares of changes from education reasons were registered in France (19,843 or 33% of all changes from education reasons in the EU), Germany (12,150 or 20%) and the United Kingdom (11,677 or 19%), together accounting for 72% of all changes from education in the EU.

**Figure 3.4: Change of status from education in the EU, 2010-2014<sup>54</sup>**



Source: Eurostat, extracted on 2 March 2016

In Germany most of these changes were into employment<sup>55</sup> (31%), family reasons (31%) and Blue Card (17%).<sup>56</sup>

The decrease of changes from education reasons can be in part explained by changes in national policies

<sup>54</sup> Does not include data in 2010 from: BG, CY, HR, NL; 2011: BE, BG, CY, HR, NL; 2012: BE, CY, HR, NL; 2013: BE, CY, LT, NL; 2014: BE, EL, CY

<sup>55</sup> Employment (Sections 18, 18a\*\*\* of the Residence Act)

<sup>56</sup> Source: National Report



and a subsequent reduction in legal possibilities in the **United Kingdom** where changes from education decreased by 31,348 in 2013 in comparison to 2012 (representing 89% of the total decrease of changes from education in 2013 compared to 2012). The legal changes introduced in **France** did not have the same effect. In 2011 France issued a Circular that limited foreign students' access to the labour market. Currently only those with a Master’s degree can request a temporary residence permit. Following the Circular’s adoption, it was feared that students educated or trained in France would be employed in other western countries and would not be willing to come back to France. A proposal for a new law on third-country nationals is currently under negotiation before the Parliament, including a proposal to extend the temporary residence permit to other categories of students and for other statuses such as researchers or self-employed. The legal changes of 2011 however **did not influence the number and share of changes from education reasons in France.**<sup>57</sup>

According to Eurostat, most commonly, changes from **education** reasons were made into **remunerated activities**. Between 2010 and 2014, on average 67% of all changes from education reasons were into remunerated activities. The share dropped significantly in 2013 from average 71% in 2010-2012 to 58% in 2013.

Changes from education reasons were limited in **Spain** before 2013. As a general requirement, changes from education reasons to remunerated activities required a previous residence of a three-year period. However, the most popular courses offered by business schools lasted one or two years. Consequently, international students were not allowed to change into a remunerated activity and Spain was unable to attract and retain international talent. After a mapping of best practices and a SWOT<sup>58</sup> analysis in 2012, Spain changed its legislation in 2013, removing the previous residence requirement for changes to highly-qualified professionals and innovative entrepreneurs. As a result of evaluation carried out in 2014, the **Netherlands** merged two schemes for highly qualified workers – ‘orientation year for graduates’ and ‘Highly Qualified Migrants Scheme’ – in the regulation ‘Orientation Year for Highly Qualified Persons’. The target group of the Scheme was expanded, including also researchers who have completed their research and third-country nationals who have completed a post-doctoral programme in the Netherlands or at a top-200 university.

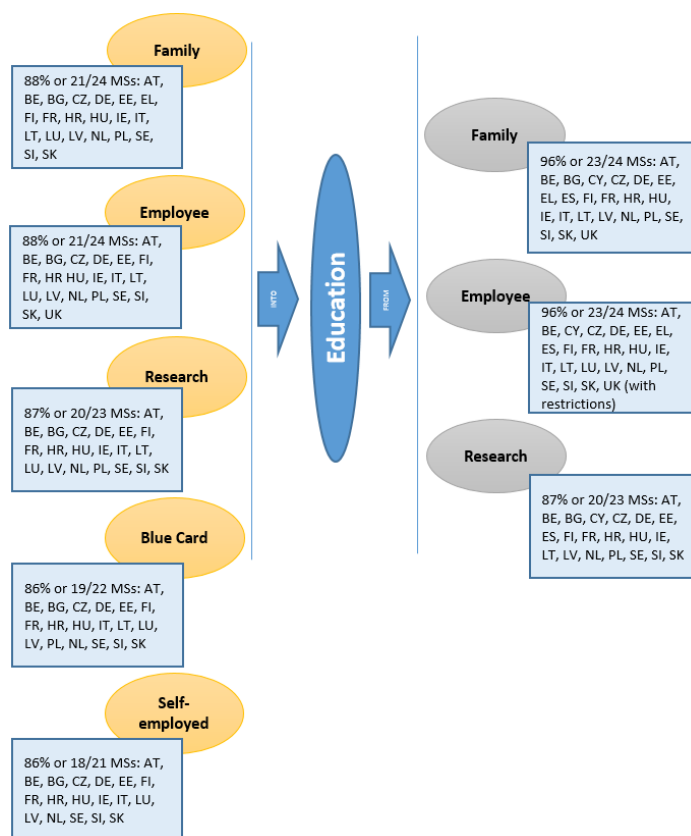
<sup>57</sup> In 2011, 14,803 changes from education reasons were registered in France representing 18% of all changes in France, 2012 the number increased to 16,935 or 20% and even more in 2014 to 19,843 or 22%. In fact changes from education reasons into remunerated activities was higher than ever in 2014. 75% of all third-country nationals changing from education reasons changed their status into reasons for remunerated activities.

<sup>58</sup> Strengths, Weaknesses Opportunities, Threats

The **United Kingdom** changed its legislation after identifying repeated abuse of the immigration system. Between 2008 and 2012, graduates were allowed to stay two years after their studies to work or look for a job under the post study work route. However, this possibility was stopped as there was evidence that post study, migrants were not being employed in skilled work, which was the purpose of the particular immigration channel. This change was reflected directly in the statistics, as the number of changes from education reasons into remunerated activities reasons dropped from 38,505 in 2012 to 6,235 in 2013. Students are still able to work after their studies under new, more selective routes for skilled workers, graduate entrepreneurs, and professional training or internships.

Figure 3.5 below presents the most common legal possibilities for a change of status into and from education reasons, while the full list is presented in Table A2.1.

**Figure 3.5: Most legal possibilities for change of status regarding education**<sup>59</sup>



Note: threshold for 'into' and 'from' education is >85%

### 3.1.3 REMUNERATED ACTIVITIES

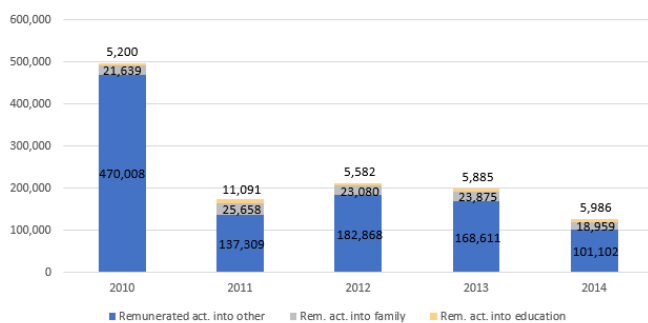
**Changes from remunerated activities are proportionally the second most frequently**

<sup>59</sup> The percentage is calculated as a share Member States having legal possibilities in place out of all Member States that have the relevant migration status. See full list of these in Table A2.1 and Table A2.2

**occurring status change** by third-country nationals legally residing in the EU, after changes from education reasons. In 2014, 4% or 126,047 of all third-country nationals with a valid residence permit for remunerated activities (2,923,932) changed their status. In absolute numbers, this represents the most common change applied in the EU. In 2010, 69% (496,471) of all changes (720,822) were **from** remunerated activities. Over time the share has reduced to 40% (or 125,607 out of 310,372) in 2014. These data however should be read with caution. Eurostat records switches made only between broad categories (family, education, remunerated activities) and not the subcategories of these.

As per the figure below, the majority of changes (80% in 2014) from **remunerated activities** are made to **other** migration statuses (there are no disaggregated data for further analysis). Around 15% of third-country nationals changed their status to family reasons and 5% to education reasons.

**Figure 3.6: Change of status from remunerated activities in the EU, 2010-2014<sup>60</sup>**



Source: Eurostat, extracted on 2 March 2016

Member States where changes from remunerated activities most often took place in 2014 were **Spain** (66,119), **Portugal** (20,209), **France** (12,468), **Czech Republic** (8,448) and **Germany** (6,216). The majority of these changes were into other reasons, except in France, where 64% of changes were made into **family** reasons and Germany where the highest share, 38% of changes were made into **education** reasons.

Some countries are more 'open' to the integration of third-country nationals in the labour market, allowing both those who came for reasons of remunerated activities to change to another status and those on other statuses to apply for the remunerated activities status, as well as facilitating such status changes. This could be seen as a commitment of the Member States to expand their work force and attract and retain talent. **Italy** for example does not require a formal change for switches between certain statuses. A residence permit issued for employed and self-

<sup>60</sup> Does not include data in 2010 from: BG, CY, HR, NL; 2011: BE, BG, CY, HR, NL; 2012: BE, CY, HR, NL; 2013: BE, CY, LT, NL; 2014: BE, EL, CY

employed work may for example also be used for other permitted activities.<sup>61</sup> These permits are called 'multifunctional'. Similarly in **Germany**, a third-country national is not required to change into an employment-based permit if his or her valid residence title already explicitly comprises the right for employment. Similarly also in **Czech Republic** and in **Poland**, a third country national can be employed without switching his/her status to remunerated activity, provided that he still complies with his/her approved purpose of stay (e. g. study or family reunification). In **Estonia**, **Poland**, **Sweden** and **Spain** almost all types of residence permits allow employment. Hence, status change towards an employment-based permit is only necessary when the other permit expires.

Other Member States however appear to be restricting access to and from this status, imposing additional criteria or closing down routes to another status. This approach could be somewhat explained with the economic crisis. Following which, Member States have been implementing more protective measures for nationals in the labour market (**BG**, **CZ**).

A more detailed review on the legal possibilities for changes into and from different migration statuses related to remunerated reasons is provided below.

### Blue Card

**Germany** is the Member State issuing most of the Blue Cards in the EU, while the remainder of the Member States still mostly issue national permits under highly skilled worker routes (see also Table A2.1). In 2014, 12,108 permits were issued in Germany alone, which is 88% of the EU total. In 2014, almost 17% of those or 2,031 were issued as a result from switch of status from education purposes<sup>62</sup>. Very few persons changed their status from the Blue Card: in 2014, 36 persons changed their status into family reasons and 26 into education.

Twenty two Member States (**AT**, **BE**, **BG**, **CY**, **CZ**, **DE**, **EE**, **EL**, **ES**, **FI**, **FR**, **HR**, **HU**, **IT**, **LT**, **LU**, **LV**, **NL**, **PL**, **SE**, **SI**, **SK**) confirmed to use the 'Blue Card' migration status and all of these except **Cyprus** offer legal possibilities for a change **from** and **into** this status (see full list in Table A2.1).

★ **FROM Blue Card:** 21 Member States have legal possibilities to change into **family** (except CY), and a significant share, 86% or

<sup>61</sup> Article 14(1) of the Implementing Regulations (Presidential Decree 394/1999) of the Consolidated Act on Immigration regulates some specific cases that could be defined as 'tacit conversion'. In these cases, the conversion takes place at the time of residence permit renewal by changing the reason why the residence permit is requested.

<sup>62</sup> Education I: University studies, application for a course of study, job search after graduation or completion of school education to acquire vocational qualification (Section 16 of the Residence Act)

19/22 Member States allow to change into **education** (AT, BE, BG, CZ, DE, EE, FI, FR, HR, HU, IT, LT, LU, LV, PL, NL, SE, SI, SK) and **research** (AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SE, SI, SK) and 82% or 18/20 MSs have legal possibilities to change into **employee** (AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SE, SI, SK).

- ★ **INTO Blue Card:** most Member States have legal possibilities to change from **education** (82% or 18/22 MSs: AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LT, LV, NL, PL, SE, SI, SK), **family** (77% or 17/22 MSs: AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LU, LV, NL, PL, SI, SK), **employee** (77% or 17/22 MSs: AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SK) and **self-employed** (73% or 16/21 MSs: AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LU, LV, NL, SI, SK).

**Lithuania** until 2015 had a rather restrictive approach and switches into the Blue Card status were not possible without leaving the country<sup>63</sup>. As a result of a legislative change, as of 2016 third-country nationals with a student or employment status can change into the Blue Card without leaving the country.

#### Highly qualified worker and research

According to national data, the **United Kingdom** (90,697 issued permits in 2014)<sup>64</sup> and **Germany** (45,532) are the Member States which issue most national permits to skilled or highly skilled third-country nationals.<sup>65</sup> For Germany, this number also includes residence permits issued to researchers.

Fifteen Member States (**AT, BE, BG, CY, DE, EL, ES, FI, FR, IE, IT, LV, NL, SI, UK**) have 'highly qualified worker' as a migration status. All of those have some legal possibilities in place for a change of status (see full list of legal possibilities in Table A2.1). In other Member States (e.g., EE, HU, PL, SE) there is no specific national status for highly qualified workers – instead, they receive the same type of status as other labour migrants.

- ★ **FROM highly qualified worker:** most often changes are possible into **family** (87% or 13/15 MSs: AT, BE, BG, DE, ES, FI, FR, IE, IT, LV, NL, SI, UK), **education** (80% or 12/15 MSs: AT, BE, BG, DE, FI, FR, IE, IT, LV, NL, SI,

UK), **research** (73% or 11/15 MSs: AT, BE, BG, DE, ES, FI, FR, IE, LV, NL, SI) and **employee** (73% or 11/15 MSs: AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI).

- ★ **INTO highly qualified worker:** most often changes are legally possible from **education** (80% or 12/15 MSs: AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI, UK (with restrictions)), **research** (73% or 11/15 MSs: AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI), **employee**<sup>66</sup> (73% or 11/15 MSs: AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI) and **self-employed** (73% or 11/15 MSs: AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI).

**Spain** also allows any changes into highly qualified professional if the third-country national has a matching employment offer. A case-by case-check is done to verify whether s/he is indeed going to work as a highly-qualified professional.

**Research** is a migration status where, similarly to education and family reasons, most of the Member States have legal possibilities for status change in place. All Member States with this migration status allow third-country nationals to change status **from** research (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK**) while all Member States except **Italy** allow for at least some status changes **into** research (see full list in Table A2.1).

- ★ **FROM research**<sup>67</sup>: all Member States (23 out of 23 with this status) have legal possibilities to change into **family**. Significant share also permits changes into statuses of **education** (87% or 20/23 MSs: AT, BE, BG, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK), **employee** (87% or 20/23 MSs: AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, SE, SI, SK) and **self-employed** (86% or 18/21 MSs: AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, SE, SI, SK).

- ★ **INTO research:** similar to education, most often legal possibilities exist to change from **family** (91% or 21/23 MSs: AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, SE, SI, SK), **employee** (91% or 21/23 MSs: AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LV, LU, NL, PL, SE, SI, SK), **education** (87% or 20/23 MSs: AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LV, NL, PL, SE, SI, SK), **Blue Card** (86% or 19/22 MSs: ) AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR,

<sup>63</sup> Switches were allowed only for very limited cases (for example, when a higher salary is being paid, when switching an employer within first 2 years).

<sup>64</sup> Tier 2 (visa category for skilled migrants with a job offer) visas are used to represent skilled workers here. This includes Tier 2 General, Tier 2 Minister of Religion, Tier 2 Sportsperson and ICTs. Data is reported for visas issued outside the country (this does not include people changing from this status)

<sup>65</sup> Out of 13 Member States with data

<sup>66</sup> For UK the main employee category is Tier2 which is used as highly qualified worker in this study, therefore the change is not recorded

<sup>67</sup> Research as a separate category does not exist in UK

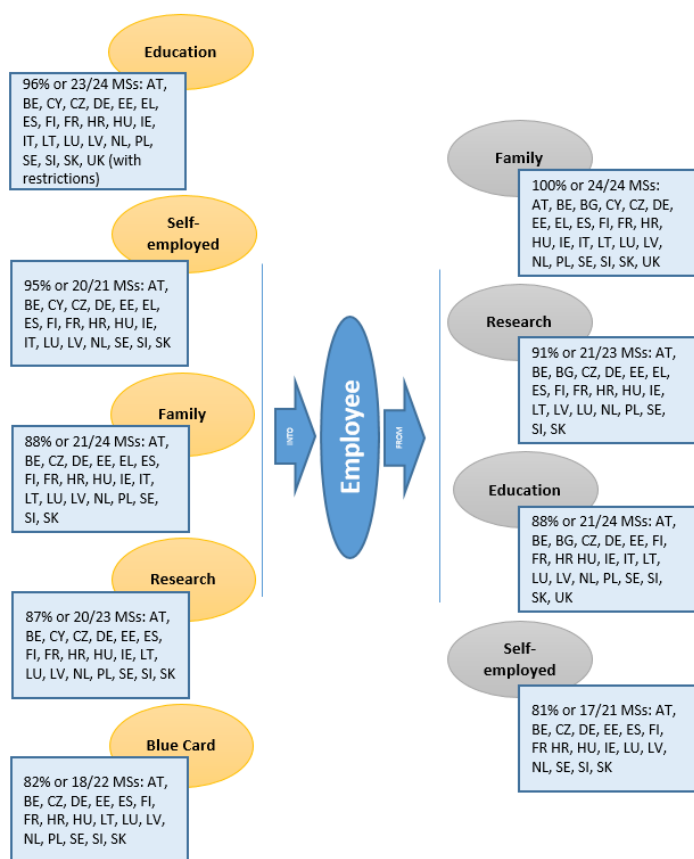
HU, LT, LU, LV, NL, PL, SE, SI, SK) and **self-employed** (86% or 18/21 MSs: AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, SE, SI, SK).

### Employee

All 24 Member States (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK** and **UK**<sup>68</sup>) have one or several **employee** migration statuses (see full list in Table A2.1).

Figure 3.7 below presents the most common legal possibilities for changes into and from employee status, while the full list is presented in Table A1.1.

Figure 3.7: Most legal possibilities for change of status regarding employee<sup>69</sup>



Note: threshold for 'into' and 'from' employee is >80%

### Self-employed

A self-employed migration status exists in all Member States (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE**,<sup>70</sup> **IT, LU, LV, NL, SE, SI, SK**) with the

<sup>68</sup> Tier 2 General is the principal employee category in the UK and is used in this report

<sup>69</sup> The percentage is calculated as a share Member States having legal possibilities in place out of all Member States that have the relevant migration status. See full list of these in Table A2.1

<sup>70</sup> The Start Up Entrepreneur Programme (STEP) is the Irish status which meets this definition of self-employed up to the point where the start-up entrepreneur incorporates the company. The STEP immigration permission continues past the incorporation point and

exception of **Lithuania, Poland**<sup>71</sup> and the **United Kingdom**,<sup>72</sup> and all Member States in which such a status exists offer opportunities to change **from** and **into** this status (see full list in Table A2.1).

- ★ **FROM self-employed:** most often Member States have legal possibilities to change into **employee** (95% or 20/21 MSs: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK), **family** (90% or 19/21 MSs: AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK), **education** (86% or 18/21 MSs: AT, BE, BG, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK) and **research** (86% or 18/21 MSs: AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, SE, SI, SK).

- ★ **INTO self-employed:** most often Member States have legal possibilities to change from **family** (86% or 18/21 MSs: AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK), **research** (86% or 18/21 MSs: AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, SE, SI, SK), **education** (81% or 17/21 MSs: AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LV, NL, SE, SI, SK) and **employee** (81% or 17/21 MSs: AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, SE, SI, SK).

### Business owner

Seventeen Member States have a migration status for business owners (**BG, CY, CZ, DE, EE, EL, ES, FR, HR, HU, IE**,<sup>73</sup> **IT, LT, LV, PL**,<sup>74</sup> **SK**,<sup>75</sup> **UK**) and all offer legal possibilities for changes, except **Cyprus**. This status does not exist in seven Member States (**AT, BE, FI, LU, NL, SE** and **SI**). However, it is possible to reside for these purposes under other migration statuses. For example, in **Austria**, the **Netherlands** and **Sweden**, 'business owner' is considered the same as 'self-employed'. (See full list of legal changes possible in Table A2.1).

- ★ **FROM business owner:** similar to other remunerated activities, most Member States have legal possibilities to change into **family** (94% or 16/17 MSs: BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LV, PL, SK, UK)

within the Irish context the person is still regarded as self-employed. A person wishing to change from STEP permission to another status is determined by an immigration officer on its merits on a case-by-case basis.

<sup>71</sup> In Poland there is no separate status for self-employed. However that category can obtain a status through the existing scheme for business owner.

<sup>72</sup> However, Tier 1 migration statuses offer the possibility of self-employment

<sup>73</sup> Business Permission scheme has been suspended with effect from 16 March 2016 until further notice. This does not affect current permission holders or applications received before 16 March 2016.

<sup>74</sup> In Poland this status includes also self-employed and investors.

<sup>75</sup> Business owner is considered the same as self-employed, therefore mutual changes in status are not possible.

**education** (82% or 14/17 MSs: BG, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LT, LV, PL, SK) and **research** (82% or 14/17 MSs: BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LV, PL, SK).

- ★ **INTO business owner:** most often Member States have legal possibilities to change from **education** (76% or 13/17 MSs: BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK, UK (with spec. funding)), **employee** (76% or 13/17 MSs: BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK, UK), **family** (71% or 12/17 MSs: BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK) and **research** (71% or 12/17 MSs: BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK).

### Seasonal worker

Fifteen Member States (**AT, CY, CZ, DE, EL, ES, FR, HR, HU, IT, LT, LV, NL, SI, SK**)<sup>76</sup> have **seasonal worker** as a migration status and all, except **France**,<sup>77</sup> **Lithuania** and **Spain**, have legal possibilities for change in place **from** and **into** this status (see full list in Table A2.1).

- ★ **FROM seasonal worker:** most often changes are possible into **victim of trafficking** (67% or 10/15 MSs: CY, CZ, DE, EL, ES, HR, HU, LV, SI, SK), **family** (67% or 10/15 MSs: CZ, DE, EL, ES, **FR**, HR, HU, IT, SI, LV), **education** (40% or 6/15 MSs: CZ, DE, HR, IT, LV, SI), **research** (40% or 6/15 MSs: CZ, DE, HR, HU, LV, SI) and **employee** (40% or 6/15 MSs: CY, DE, HR, IT, LV, SI)
- ★ **INTO seasonal worker:** most often changes are legally possible from **education** (47% or 7/15 MSs: AT, CY, CZ, HR, LV, SI, SK), **family** (40% or 6/15 MSs: AT, CZ, HR, LV, SI, SK), **research** (40% or 6/15 MSs: AT, CZ, HR, LV, SI, SK), **Blue Card** (40% or 6/15 MSs: AT, CZ, HR, LV, SI, SK) and **self-employed** (40% or 6/15 MSs: CZ, CY, HR, LV, SI, SK).

### Intra-corporate transfer employees (ICTs)

Sixteen Member States (**AT, CY, CZ, DE, EL, ES, FR**,<sup>78</sup> **HR, IE, IT, LT, LV, PL**,<sup>79</sup> **SI, SK, UK**) have **ICT** as a migration status.<sup>80</sup> All of those, except **Cyprus** have some legal possibilities for change in place for this status (see full list in Table A2.1).

<sup>76</sup> In Poland, seasonal workers normally receive a residence permit for employment purposes, hence no separate status exists. In Estonia, seasonal workers may work under the short-term registration scheme.

<sup>77</sup> Exceptional for changes into family under certain conditions

<sup>78</sup> Ibid.

<sup>79</sup> Poland has not yet transposed the so-called *Intra-Corporate Transferees’ Directive*. National regulations refer only to foreigners delegated on the territory of Poland by a foreign employer. In Ireland, changes from ICT into education, research, self-employed are possible but based on individual circumstances that are assessed on a case-by-case basis by an immigration officer.

<sup>80</sup> In Estonia and Sweden, ICTs normally receive a residence permit for employment purposes, hence no separate status exists.

- ★ **FROM ICT:** most often changes from ICT are legally possible into **family** (94% or 15/16 MSs: AT, CZ, DE, EL, ES, FR, HR, IE, IT, LT, LV, PL, SI, SK, UK), **education** (63% or 10/16 MSs: AT, CZ, HR, IT, LT, LV, PL, SI, SK, UK) and **employee** (63% or 10/16 MSs: AT, CZ, HR, ES, IE, LT, LV, PL, SI, SK).

- ★ **INTO ICT:** most often, changes into ICT are legally possible from **family** (50% or 8/16 MSs: AT, CZ, EL, HR, LT, LV, PL, SK), **education** (44% or 7/16 MSs: AT, CZ, HR, LT, LV, PL, SK), **research** (44% or 7/16 MSs: AT, CZ, HR, LT, LV, PL, SK), **Blue Card** (44% or 7/16 MSs: AT, CZ, HR, LT, LV, PL, SK) and **employee** (44% or 7/16 MSs: AT, CZ, HR, LT, LV, PL, SK).

### Investor

Thirteen Member States (**BG, CY, EL, ES, FR, HR, HU, IE, IT, LV, NL, SI, UK**) reported having **investor** as a migration status, and all except **Slovenia** have some legal possibilities for change in place (see full list in Table A2.1).

- ★ **FROM investor:** most often changes from investor are possible into **family** (92% or 12/13 MSs: BG, CY, EL, ES, FR, HR, HU, IE, IT, LV, NL, UK), **research** (69% or 9/13 MSs: BG, CY, ES, FR, HR, HU, IE, LV, NL), and **employee** (69% or 9/13 MSs: CY, ES, FR, HR, HU, IE, LV, NL, UK).
- ★ **INTO investor:** most often changes into investor are legally possible from **education** (77% or 10/13 MSs: BG, CY, ES, FR, HR, HU, IE, LV, NL, UK) and **employee** (77% or 10/13 MSs: BG, EL, ES, FR, HR, HU, IE, LV, NL, UK).

A misuse of this migration route has been noticed in **Latvia**, where a significant share of changes are made from an investor into family status and vice versa. This is due to investments not being effective enough to meet the requirements to maintain the residence permit. Very often it results in a family member becoming an investor by changing the nature of the investment and the main applicant (previous investor) obtains the status of a family member. To address this misuse, changes in the Immigration Law are planned.

### Long-stay (D-type) visa holder<sup>81</sup>

In many Member States it is not possible for third-country nationals to receive a visa while residing in the country, as they are normally required to apply for visa from outside. Only **Latvia** and **Lithuania** foresee a possibility to change into long-stay (D-type) visa

<sup>81</sup> Does not exist in IE and UK

from a few statuses while in the country. **Belgium** permits such change only for victims of trafficking.

- ★ **FROM long-stay (D-type) visa:** 16 Member States reported that some changes from long-stay (D-type) visas are possible. 59% of Member States where long-stay (D-type) visa exists allow change to **family** (13/22 MSs: BG, DE, EE,<sup>82</sup> EL, ES, FR, HU, IT, LT, LU, PL, SI, SK) and **victim of trafficking** (13/21 MSs: BE, DE, EE, ES, FR, HU, LT, LU, LV, PL, SE, SI, SK), and 53% to **business owner** (9/17 MSs: BG, DE, EE,<sup>83</sup> ES, FR, LT, LV, PL, SK). (See full list in Table A2.1).

### 3.1.4 PROTECTION PURPOSES

Applicant for international protection (also referred to as 'asylum applicant') and victim of trafficking are two of the main protection-related situations considered for this Study.

**Asylum applicant** is a temporary/preliminary status which can be requested by any third-country national in any Member State (usually the Member State of first arrival), in line with EU, international and national law. The change from legal residence status into asylum applicant may be a legitimate route for people to take (i.e., someone who is studying abroad, and claims asylum) when their country becomes no longer safe. It may also be a way to prolong stay in a country when legal avenues have been exhausted. However, as this right is offered in all EU Member States, the Study does not analyse possible changes into asylum applicant statuses but only those that are permitted from asylum applicant status into any other migration status.

The number of asylum applicants in the EU in the last years increased significantly, reaching 1.3 million in 2015, as a result of the refugee situation. According to Eurostat, most of those were received by **Germany** (36%), **Hungary** (13%), **Sweden** (12%), **Austria** (7%), **Italy** (6%) and **France** (6%). This indicates the scale of persons potentially in the interest for changing their status towards non-asylum residence statuses. Only two Member States, **Finland** and **Sweden**, were able to provide data on changes from asylum applicant, which show that such changes are relatively rare in practice.

**Table 3.1: National data on changes from asylum applicant**

Changes from asylum into:	2010	2011	2012	2013	2014
<b>Employee (SE)</b> <sup>84</sup>	505	325	325	151	172
<b>Family (FI)</b> <sup>85</sup>		6	10	4	3

<sup>82</sup> In some cases the change is possible

<sup>83</sup> In some cases the change is possible

<sup>84</sup> Data include main applicants and dependents

<sup>85</sup> Data include main applicants only

Changes from asylum into:	2010	2011	2012	2013	2014
<b>Education (FI)</b>			1		

Source: National reports

Seventeen out of 24 Member States (**AT, BE, CZ, CY, DE, EE, ES, FI, HU, IT, LT, LV, LU, PL, SE, SI, UK**) have some legal possibilities in place to change the status from asylum applicant. Most often Member States have legal possibilities in place to change status into **victim of trafficking** (61% or 14/24 MSs: AT, BE, CY, CZ, DE, EE, ES, FI, HU, LT, LU, LV, PL, SE), **family** (46% or 11/24 MSs: DE, EE, ES, FI, HU, IT, LT, LV, SI, SE, UK), **research** (29% or 7/23 MSs: DE,<sup>86</sup> EE, ES, FI, HU, LT, LV), and **employee** (29% or 7/24 MSs: DE,<sup>87</sup> EE, ES, FI, IT, LV, SE). Five Member States allow the change also in other employment related statuses – **self-employed** (EE, ES, FI, IT, LV), **business owner** (EE, ES, LT, LV), **Blue Card** (EE, ES, FI, LV) and **ICT** (LT, LV). **Germany** has very limited possibilities for a change of status from asylum applicant. It is possible only in exceptional cases with the approval of the Supreme Land Authority. In **Lithuania** asylum applicants may change their status only if that person is in possession of a valid travel document, the identity has been established and the conditions specified for the other status are fulfilled. In practice, the change of status is extremely rare as the person cannot meet these requirements.

Very little data are available on the scale of **residence permits issued for victims of trafficking** based on Directive 2004/81/EC. Data available for 2011 and 2012 indicate that the number of residence permits issued on these grounds is rather low. For example, in 2012, a total of 1,953 residence permits were issued in the EU, of those, mostly issued by **Italy** (1,038), the **Netherlands** (400) and **France** (196).<sup>88</sup> Only **Finland, France** and **Germany** have reported cases where victims of trafficking have changed status, which show that changes from the status are only very rarely made. For the period 2011-2014, Finland<sup>89</sup> reported one change into family and 16 into employee. In France the vast majority of changes reported were into family (24 in 2010, 12 in 2011, 23 in 2012, 31 in 2013 and 36 in 2014). Germany<sup>90</sup> reported six cases in 2012 changing into family and less than three into family and into education in 2014.

As required by EU Law, all Member States<sup>91,92</sup> have a possibility for **victims of trafficking** who are

<sup>86</sup> In exceptional cases with the approval of the supreme state authority

<sup>87</sup> In exceptional cases with the approval of the supreme state authority

<sup>88</sup> Eurostat data: Number of victims (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits

<sup>89</sup> Includes only main applicants

<sup>90</sup> Includes main applicants and dependents

<sup>91</sup> Except the United Kingdom

cooperating with the investigation to obtain a residence permit on this basis. All Member States (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK**) have legal possibilities to change **from** and/ or **into** another status.

★ **FROM victim of trafficking:** 23 Member States (**AT, BE, BG, CZ, CY, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SE, SI, SK**) allow changes from victim of trafficking. Most often Member States have legal possibilities to change into **family** (83% or 19/23 MSs: BE, BG, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SE, SI, SK), **education** (78% or 18/23 MSs: BE, BG, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SE, SK), **employee** (78% or 18/23 MSs: AT, BE, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SI, SK) and **research** (74% or 17/23 MSs: BE, BG, CZ, DE, EE, EL, FI, FR, HR, HU, IE, LT, LV, NL, PL, SI, SK).

★ **INTO victim of trafficking:** 20 Member States (**AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SE, SI, SK**) have legal possibilities to change their status into victim of trafficking without leaving the country. Most often Member States have legal possibilities to change from **family** (78% or 18/23 MSs: BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, NL, PL, SE, SI, SK), **education** (78% or 18/23 MSs: BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, NL, PL, SE, SI, SK), **research** (78% or 18/23 MSs: BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, NL, PL, SE, SI, SK) and **employee** (78% or 18/23 MSs: BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SE, SI, SK).

In addition to above mentioned protection statuses, **Ireland** and **Spain** also have a specific status for victims of domestic violence and **Slovenia** has a status for victims of illegal employment.

In **Germany**, changes from the status of a 'tolerated stay' in case of a suspended deportation into a status for family, education, research, employee and self-employed reasons have been facilitated over the past years.

### 3.1.5 OTHER

Some Member States also have legal possibilities in place for other migration statuses (e.g., **AT, BE, CY, CZ, ES, HU, LU, PL, SI** and **UK**). These statuses are

presented in Annex 2. Statistics on changes from and into these statuses are not available.

## 3.2 ALTERATION OF RIGHTS

Most status changes, where they are permitted by Member States, lead to some alteration of rights, for the simple reason that, as soon as the change of status is approved, the rights associated with the new status apply to the third-country national and those of the previous status are no longer applicable.

As discussed in the previous section, while certainly not the only factor, one important driver for requesting a status change relates to the rights and benefits associated with the other status, in particular when the current status is temporary in nature, with the third-country national risking to be asked to leave the country, and / or when in particular rights and benefits associated with the latter are very limited. Other drivers, as mentioned earlier, relate to mere 'factual' changes of a situation which requires a change of status.

While the study did not focus on identifying the exact rights associated with each of the EU-regulated and national statuses which are examined, for those statuses which are regulated by EU law, it is possible to identify the minimum standards in relation to the most important rights and benefits. Table 3.2 below shows which rights are associated with which status and analyses the 'level' of these rights, with the highest level being equivalency with a national of a Member State (full details are provided in Annex 1).

**Table 3.2: Minimum standards of rights for EU-regulated statuses**

Right \ Status	Employment	Social security	Education	Duration of stay	Long-term Residence	Legal assistance	Mobility	Family reunification
<b>Family</b>	4	1	4	>1y	NR	5	NR	4
<b>Education</b>	1, 3*	5	2	>1y	3	5	2	2
<b>Research</b>	2	1	1	>1y	NR	5	2	2
<b>Blue Card</b>	3	1	1	1-4y	1	5	3	2
<b>Seasonal worker</b>	1	3	3	5-9m/ 12m	5	5	5	5
<b>ICT</b>	1	3	1	1-3y	NR	5	3	2
<b>Asylum applicant</b>	2	5 <sup>92</sup>	1, 3**	NA	NA	1	5	5
<b>Victim of trafficking</b>	2	5	1	>6m	NR	2	NR	2

*Note: 1 – Full rights equivalent to nationals (where applicable); 2 – Full rights but under certain conditions; 3 – Rights exist but 'may' clauses are included (allowing to limit the right or opt out); 4 – Rights depend on the status of sponsor; 5 – Rights do not exist; NR – no reference*

<sup>92</sup> Ireland does not participate in the adoption of Victims of Trafficking Directive 2004/81/EC but does in the adoption of Directive 2011/36/EU

<sup>93</sup> Asylum seekers have a right to minimum assistance for subsistence, according to the Reception Directive (2013/33/EU), Article 17

\* - student has a full right to be employed and *may* be entitled to self-employed activity; \*\* - minor asylum applicant: full right; adult asylum applicant: Member State *may* grant access to vocational education

The statuses which are associated with most rights and benefits are, amongst the EU-regulated ones, **Blue Card** and **family**, as shown in Table 3.2 above, and at national level, **employee** and **highly qualified worker**. The main benefits of these statuses relate to (often unrestricted) access to the labour market, access to social security, a relatively long duration of stay and intra-EU mobility. When looking at the EU-regulated statuses, the Blue Card Directive (2009/50/EC) appears to offer most rights and benefits, including free access to highly qualified employment after the first two years of legal residence<sup>94</sup>, a residence permit with a duration of one to four years with a right to renew it and unrestricted right to mobility<sup>95</sup> for the person concerned and his/her family after 18 months of legal residence. The Blue Card holder is also eligible for long-term residence with more favourable conditions, as they have the possibility to accumulate periods of stay in different Member States, and as they can actually leave the EU for a certain period without this being considered an ‘interruption of stay’.<sup>96</sup> Family status can also offer a significant level of rights in relation to employment, education and family reunification, however as per the Family Reunification Directive (2003/86/EC), these fully derive from the rights granted to the sponsor.

At national level, the employee migration status, which exists in all Member States, and the highly qualified worker status, which exists in 15 Member States (**AT, BE, BG, CY, DE, EL, ES, FI, FR, IE, IT, LV, NL, SI, UK**) appear to be associated with most rights and benefits, in particular with regard to the duration of stay, access to social security and (unrestricted) access to the labour market. The right to social security is in fact regulated in another EU legislative instrument, the Single Permit Directive (2011/98/EU) which determines that equal rights as to nationals should be granted.

In some Member States, employment statuses also give some political rights: in **Finland, Ireland**,<sup>97</sup> the **Netherlands** and **Sweden**, for example, the employee status (as well as a number other statuses) allows third-country nationals to vote in local elections. Self-employed is another national status offering a rather high level of rights. Similar to the employee status, self-employed persons are granted equal access to insurance-based social security (e.g., **BE, CZ, ES, HU, IE, SE**).

<sup>94</sup> May clause in the Directive

<sup>95</sup> May clause in the Directive

<sup>96</sup> Absence of the territory of the European Union by the EU Blue Card holder is not considered an interruption of the 5 years of legal and continuous stay, provided this period is shorter than 12 consecutive months and does not exceed in total 18 months.

<sup>97</sup> In Ireland all third-country nationals with valid residence permit, including asylum applicants, are permitted to vote in local elections

Several other statuses, while offering a relatively high level of rights in some areas, show some limitations in others, which may thus make a change of status more attractive or, if a renewal of the current status is not an option, a necessity if the third-country national wants to remain in the Member State. With EU-regulated statuses, this applies for example to the **education** status, given that the duration of the latter is linked to the education or training programme followed, thus ending with its completion (or discontinuation). As per the **Student Directive** (2004/114/EC), students are entitled to be employed and may be entitled to exercise self-employed activity, but Member States are allowed to take into account the situation of their labour market and thus apply certain conditions or a labour market test. Also, although employment activities are permitted, a maximum amount of hours allowed to exercise such activities can be applied to ensure that employment does not interfere with the studies. Finally, when ‘calculating’ whether the third-country national is eligible for long-term residents’ status, Member States may only take half of the duration of the residence under the student status into account.

As can also be seen from Table 3.2 above, EU-regulated statuses which are most limited in terms of rights and benefits granted are those of **asylum applicants** and **victims of trafficking**. The rights granted to asylum applicants, set by the minimum standards in the **Reception Directive** (2013/33/EU)<sup>98</sup> include access to the labour market no later than nine months from when the application was lodged, limited rights to health care and access to legal assistance. There are limited rights to social security<sup>99</sup> or mobility. While, if accepted, the rights and benefits associated with the refugee and subsidiary protection status imply a vast improvement, as the (recast) **Qualification Directive** (2011/95/EU) puts beneficiaries of international protection close to nationals or at least long-term resident third-country nationals, it is important to bear in mind that the asylum applicant ‘status’ is temporary and that ultimately a large share of asylum applicants will not be allowed to stay on the territory of the Member State and may thus be faced with a return decision (48% in 2015, 57% in 2014 and 67% in 2013 were rejected in the first instance,<sup>100</sup> as per Eurostat).

The rights granted to victims of trafficking, set by the minimum standards of the two **Victims of Trafficking Directives** (Directive 2004/81/EC and Directive 2011/36/EU) are also relatively limited, with the duration of the permit to stay often being dependent

<sup>98</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection

<sup>99</sup> Except as per Article 17(2) Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health

<sup>100</sup> Share of rejected first instance decisions out of all first instance decisions



on the level and considered 'usefulness' of the cooperation of the victim with law enforcement or judicial authorities (see Annex 1).

### 3.3 STAKEHOLDERS INVOLVED

The involvement of actors and institutions in the development of measures for the change of status varies in the Member States.

A few Member States (**BE, EE, FR, LV, SK, UK**) have one specific authority in charge of developing measures. This is the Ministry of Interior along with the Police and Border Guard Board or the prefecture in **Estonia**, Ministry of Interior in **France** and **Slovak Republic**, the Federal Immigration Office in **Belgium**, the Home Office in the **United Kingdom** and the Office of Citizenship and Migration Affairs in **Latvia**. However, other organisations and institutions might be involved in consultation processes.

Most Member States, however, have more than one organisation involved in the development of measures for the change of status (**AT, CY, CZ, ES, FI, HU, IE, IT, LT, LU, NL, PL, SE**). Where **multiple actors** are involved, these are generally the Ministry of Interior (**AT, CY, CZ, HU, IT, LT, PL**) or of Justice (**IE, NL, SE**), alongside different other ministries or agencies according to their areas of competence: for instance, the ministry in charge of foreign affairs is involved in granting visas, the ministry in charge of economic, labour and social policy, for detecting labour market needs and the ministry in charge with education for students' migration (**AT, BG, CY, CZ, IE, IT, LT, PL, NL**). Some Member States also actively involve the business sector in formal or informal consultation process (e.g., **ES, LU**). In **Luxembourg**, the Consultative Commission for Self-employed Workers formed by representatives from various ministries and experts from the professional chambers provides input and opinion, while the Chamber of Commerce contributes during the process of legislative modifications.

In order to coordinate different stakeholders, some Member States have specific measures in place. For example, in **Bulgaria**, a specific institution, the National Council on Migration Policy (NCMP) was established in 2011 and is responsible for the implementation of the National Strategy in the Field of Migration, Asylum and Integration (NSFMAI) 2011-2020 as well as the coordination of the relevant actors (e.g. state, local authorities, NGOs, international organisations, social partners). In **Spain**, several working groups have been established gathering representatives of all the Ministries involved.

### 3.4 INFORMATION ON THE POSSIBILITIES TO CHANGE STATUS

While all countries provide information on different migration statuses, only a subset of Member States (**CZ, DE, EL, ES, FI, IE, NL, PL, SE, SK, UK**) provide migrants **with specific information** on the

requirements to meet and procedures to follow in order to change their migration status although there is variation in the depth of information provided.

The **Ministry of the Interior** of the **Czech Republic** has a website that provides information on change of status in Czech and English. The Ministry of Interior also operates a hotline, providing targeted information via phone and email. **Germany** runs a web-portal [make-it-in-germany.com](http://make-it-in-germany.com) in four languages, providing information on how to migrate, settle in, study, find a job and apply for visa as well as on the opportunities for changing ones purpose of stay for selected target groups (e.g. after graduation from university). Furthermore, targeted information on how to change status is provided by the Federal Ministry of Interior, the Employment Agency, business associations, universities, local authorities and NGOs to migrants e.g. with a residence title for education purposes as well as persons with a **tolerated stay status**. The information is channelled mainly through their websites and counselling services. In **Slovak Republic** information on possibilities of status changes can be found on the website of the Migration Information Centre (MIC)<sup>101</sup> of the IOM in Slovak, English and Russian.

In **Italy**, the prefectures' websites and the Italian National Police website provide specific information on the change of status.

In January 2016, **Ireland** published overview information on the procedures for changing immigration status on the Irish Naturalisation and Immigration Service website. Similarly the **Netherlands** also has a dedicated tool available to guide third-country nationals through the process.

Along with information on the overall migration system, the **Swedish** Migration Agency provides on its website information in several languages on the most frequently requested status changes. This includes information for **rejected asylum seekers** who apply for a residence permit for employment purposes and international students who wish to stay in Sweden to look for a job and therefore change their migration status.

Similarly, the government website providing information on the migration system in the **United Kingdom** includes an overview on the possibilities for switching into each visa category, conditions to meet and on how to apply.<sup>102</sup>

In **Spain**, a dedicated migration website provides information on changes of status, as well as downloadable application forms. In addition, a web-

<sup>101</sup> SK website of the Migration Information Centre of the IOM International Organization for Migration, available at: [www.mic.iom.sk](http://www.mic.iom.sk)

<sup>102</sup> UK government website available at: [www.gov.uk](http://www.gov.uk)

portal and leaflets have been created to offer practical information about migrant categories related to talent, investment and entrepreneurship. Frequent questions as 'Can I apply for this residence permit if I am currently in Spain' are answered.

While in most Member States information on status change possibilities is limited or entirely absent, many provide information on the requirements and conditions for obtaining a migration status in general, mainly through the official websites. This could still be useful to third-country nationals who want to switch into another permit, especially when the criteria do not differ from first-time applications (see Section 4.2.).

## 4 Admission criteria and legal basis

This section provides an overview of the legal basis underpinning the procedures for changes of status without leaving the territory of the Member State (sub-section 4.1) and lists the main criteria and conditions for being issued a particular authorisation to stay or a residence permit, applied by the Member States (sub-section 4.2). It then examines the cases where criteria to change status differ from first time application procedures and therefore require less (or only additional) criteria to be fulfilled by the applicant (sub-section 4.3). Finally, it highlights the quota limitations for changes of status applied in some EU Member States (sub-section 4.4) and procedural facilitations provided by Member States to ease the change of status (in comparison with first time applications) (sub-section 4.5).

### 4.1 LEGAL BASIS

In a large majority of Member States (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, HU, IE, IT, LT, LV, LU, NL, PL, SI, SK**) the change of status is regulated by national laws or by a combination of articles of different national laws or acts, usually embedded under immigration laws, asylum laws, refugee laws, residence acts or aliens acts. In three Member States (**FR, HR, UK**), the change of status process is not legally regulated but embedded in policy, guidelines or practice. In **France** there are **no legal provisions** expressly defining the principle and the modalities for the change of status. However, the Code for Entry and Stay of Aliens (CESEDA) sets out the conditions to grant a new residence permit on the grounds invoked by a third-country national. In **Croatia**, switching immigration status is possible between all categories. Nevertheless, the Foreigners Act does not define the change of status, which is made feasible in practice through the General Administrative Procedure Act. In the **United Kingdom**, changes between particular statuses (i.e. economic and student migration categories) are laid out in policy documents. Furthermore, in all Member States, a request for asylum (e.g. of someone who may initially have been granted another status, such as that of victim of human trafficking) is regulated by international and EU

law (Geneva Convention of 1951 and the Reception Conditions Directive 2013/33/EU).

In **Sweden** it is a combination of both. Some status changes are regulated by law, while others have been established by case-law or administrative practice. In **Spain**, the majority of changes are regulated by law while changes into the status of victims of human trafficking and domestic violence are provided for in practice.

### 4.2 MAIN ADMISSION CRITERIA

Member States apply different criteria and conditions concerning the admission of certain categories of third-country nationals. The vast majority of Member States usually apply the same general requirements as for first-time applicants, namely:

- ★ Proof of health insurance;
- ★ Sufficient financial means;<sup>103</sup>
- ★ Extract of a criminal record or equivalent;
- ★ Having a place of residence;<sup>104</sup> and
- ★ Payment of a fee.<sup>105</sup>

Annex 3 provides an overview of these criteria per migration status. Any additional admission criteria identified in the Member States are described under each relevant category below.

#### Family

Family status is a migration status that exists in all Member States. The majority (**AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK**) require the fulfilment of one or more of the 'common' criteria for admissions under the family status (see Annex 3). Additional criteria have been identified in 19 Member States (**AT, CY, CZ, DE, EE, EL, ES,<sup>106</sup> FR, HR, HU, IE, IT, LV, LT, LU, NL, PL, SK, UK**), generally related to the provision of evidence of **family relationship** with sponsors already residing in the country. **Proof of language skills** is required in **Austria** and the **United Kingdom**.

<sup>103</sup> This varies across Member States, in some this requires an applicant to provide a bank statement to prove access to a certain amount of funds while in others it is a more general commitment to not make recourse to social welfare funds

<sup>104</sup> The requirements of Member States differ, some require only listing address while others carry out a deeper verification process, e.g., a requirement to produce a utility bill as proof of address or a confirmation of registration with local prefecture

<sup>105</sup> This includes application and registration fee (for those whose status change applications have received a positive decision) where both exist (e.g., IE)

<sup>106</sup> In Spain, depending the residence permit of the sponsor, different criteria apply for family reunion (i.e. place of residence is not required for family members within Law 14/2013)

## Education

All Member States have a migration status for education reasons. The majority of these (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK**) require the fulfilment of one or more 'common' criteria for admissions under the education status (see Annex 3). Additional criteria have been identified in 22 Member States (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LV, LT, LU, NL, PL, SE, SI, SK, UK**).

As per Students Directive (2004/114/EC), an applicant has to meet the following admission criteria to be accepted for study purposes:

- ★ Accepted by an establishment of higher education;
- ★ Sufficient resources to cover his/her subsistence, study and return travel costs;
- ★ Sufficient knowledge of the language of the course to be followed (a flexible condition left to the discretion of the Member States); and
- ★ Prior payment of the fees charged by the establishment (a flexible condition left to the discretion of the Member States).

Three Member States (**EL, IE, LT**) indicated that applicants must provide **evidence of fees paid** in advance to the institution, while in **Greece, Hungary, Lithuania** and the **United Kingdom** applicants also have to provide an evidence of sufficient **language skills**.

## Research (scientific activity)

Research is a separate migration status that exists in all Member States except the United Kingdom.

As per Researchers Directive (2005/71/EC), Member States must admit researchers if they:

- ★ present a valid passport or equivalent travel documents;
- ★ present a hosting agreement signed with a research organisation;
- ★ present a statement of financial responsibility issued by the research organisation; and
- ★ are not considered to pose a threat to public policy, public security or public health.

All Member States (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK**) require the fulfilment of one or more 'common' criteria for admissions under the research status (see Annex 3).

In addition, four Member States (**EL, FR, IE, LT**) also require the presentation of relevant higher education **qualification**. **Austria** requires applicants to present an employment agreement signed with a research institution.

## EU Blue Card<sup>107</sup>

As per National Reports, EU Blue Card is a migration status used in 22 Member States (see section 3.1.3).

As per Blue Card Directive (2009/50/EC), to be admitted in the Member State, third-country nationals must produce:

- ★ a work contract or binding job offer with a salary of at least 1,5 times the average gross annual salary paid in the Member State concerned<sup>108</sup>;
- ★ a valid travel document and a valid residence permit or a national long-term visa;
- ★ proof of sickness insurance; and
- ★ for regulated professions, documents establishing that s/he meets the legal requirements, and for unregulated professions, the documents establishing the relevant higher professional qualifications.

All Member States (**AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LU, LV, NL, PL, SE, SI, SK**)<sup>109</sup> require the fulfilment of one or more 'common' criteria for admissions under the EU Blue Card status (see Annex 3). **Austria, Estonia, Hungary, Poland** (with some exceptions) and **Slovak Republic** also perform a labour market test before admitting third-country nationals under this status. In **Lithuania**, Blue Card holders are exempt from the labour market test if their salary is three times the average gross annual salary.

## Highly qualified workers

Highly qualified worker is a nationally regulated migration status existing in 15 Member States (see section 3.1.3). All of those, except **Bulgaria** and **Slovenia** require the fulfilment of one or more 'common' criteria for admissions under the highly qualified workers status (see Annex 3). Additional criteria have been identified in eleven Member States (**AT, BE, CY, DE, EL, ES, FI, IE, LV, NL, UK**). These criteria are closely linked to the type of labour market policy adopted in the Member State, with some for example requiring a third-country national to already have a contract before s/he can come to the country (**BE, CY, DE, EL, ES, FI, IE, LV, NL, UK**), or a certain level / type of qualifications (**AT, BE, CY, DE, EL, FI, IE, LV**) and/ or have a salary threshold in place (**BE, IE, LV, NL**).<sup>110</sup> In the **United Kingdom** applicants are

<sup>107</sup> The Blue Card is an approved EU-wide work permit (Council Directive 2009/50/EC) allowing high-skilled non-EU citizens to work and live in any country within the European Union, excluding Denmark, Ireland and the United Kingdom, which are not subject to the proposal.

<sup>108</sup> Member States may lower the salary threshold to 1,2 for certain professions where there is a particular need for third-country workers

<sup>109</sup> Except Cyprus, that has set quota for the admission at zero

<sup>110</sup> For more information see: "Admitting third country nationals for business purposes", EMN focussed Study, published 2015

also required to have English language skills to enable them to perform their job.

### Employment (general)

All Member States have one or more employee migration statuses. Twenty two Member States (**AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SK, UK**) require the fulfilment of one or more 'common' criteria for admissions under the employee status (see Annex 3). Additional criteria have been identified in 20 Member States (**AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LV, LU, NL, PL, SI, SK, UK**). For example, 17 Member States (**BE, CY, CZ, EL, ES, FI, FR, HU, IE, LT, LU, LV, NL, PL, SI, SK, UK**) require the applicant to possess a **contract** of employment (or job offer)<sup>111</sup> or to submit to labour market test<sup>112</sup> prior to his/her application.

### Self-employment

Self-employment is a migration status that can be obtained in all Member States except **Lithuania, Poland** (although it is possible to obtain the self-employment status through an existing scheme for business owners) and the **United Kingdom** (although self-employment status is possible under Tier 1 visa categories). Eighteen Member States (**AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SK**) require the fulfilment of one or more 'common' criteria for admissions under the self-employee status (see Annex 3). Additional criteria have been identified in 16 Member States (**AT, BE, BG, CY, CZ, DE, ES, FR, HR, HU, IE, LV, LU, NL, SE, SK**). In eight Member States (**AT, BE, DE, EE, FR, LU, NL, SE**) the **self-employment project** must comply with economic interest, regional need or be of importance for the Member State.

### Business owner

Business owner is a separate migration status that exists in 17 Member States. Fifteen Member States (**BG, CZ, DE, EE, ES, FR, HR, HU, IE, IT, LT, LV, PL, SK, UK**) require the fulfilment of one or more 'common' criteria for admissions under the business owner status (see Annex 3). Additional criteria have been identified in 15 Member States (**BG, CZ, DE, EE, ES, FR, HR, HU, IE, IT, LV, LT, PL, SK, UK**). Seven Member States (**BG, DE, EE, IE, LV, LT, UK**) require a minimum **investment** or equity **capital** of the company to be established in the country.

### Seasonal workers

Seasonal worker is a separate migration status that exists in 15 Member States (see section 3.1.3).

<sup>111</sup> In the Czech Republic, at least a written agreement for a future contract where the parties agree to enter into a contract of employment or an agreement on work activity by an agreed deadline, is required.

<sup>112</sup> In Estonia and Poland, as a general rule labour market test is required, however many exceptions exist.

Thirteen Member States (**CY, CZ, DE, ES, FR, HR, HU, IT, LT, LV, NL, SI, SK**) require the fulfilment of one or more 'common' criteria for admissions under the seasonal worker status (see Annex 3). Additional criteria have been identified in 15 Member States (**AT, CY, CZ, DE, EL, ES, FR, HR, HU, IT, LV, LT, NL, SI, SK**). Eleven Member States (**CY, CZ, DE, EL, ES, FR, HU, LV, LT, SI, SK**) require the applicant to possess a **contract** of employment, or **job offer** prior to his/her application. In **Greece** (and similarly in **Spain**), an employer who wants to hire personnel for purposes of seasonal employment is required to lodge an application that includes:

- ★ Receipt of payment of fees for each third-country national;
- ★ Valid labour contract stating the aim of the seasonal work signed by the employer who is established on Greek territory;
- ★ Evidence showing that the third-country national fulfils the conditions of the relevant provisions of the national legislation for the exercise of this work in the country;
- ★ A solemn statement by the employer that s/he shall provide the worker with appropriate accommodation.

### Intra-corporate transfer employees (ICTs)

ICT as a separate migration status exists in 16<sup>113</sup> Member States.

According to the ICT Directive (2014/66/EU), in order to be admitted transferees must have worked for a certain time with their company before being transferred. They must have a work contract and provide evidence that they will be able to transfer back out of the EU once their EU assignment ends. Trainee employees must provide evidence of a university degree and may have to present a training agreement.

Fourteen (**AT, CZ, DE, EL, ES, FR, HR, IE, IT, LT, LV, PL, SK, UK**) require the fulfilment of one or more 'common' criteria for admission under the ICT status (see Annex 3). Additional criteria have been identified in 14 Member States (**AT, CZ, DE, EL, ES, FR, HR, IE, LV, LT, PL, SI, SK, UK**). In six Member States (**CZ, DE, EL, FR, LV, UK**) the applicant must present a **work contract** or **sponsorship**. In **Ireland** and **Slovenia**, applicants must provide evidence of employment with a foreign employer for at least six months prior to the transfer. For more detailed information see the National Reports.

<sup>113</sup> Poland still has to transpose ICT directive. National regulations refer only to foreigners delegated on the territory of Poland by a foreign employer. In Estonia, ICTs are employed under the general employment scheme.

## Investors

Investor as a migration status exists in 13 Member States (see section 3.1.3). Nine Member States (**ES, FR, HR, HU, IE, IT, LV, NL, UK**) require the fulfilment of one or more 'common' criteria for admissions under the investor status (see Annex 3). Additional criteria have been identified in ten Member States (**BG, CY, EL, ES, FR, HU, IE, LV, NL, UK**). **Spain, France, Hungary, Ireland, Latvia, the Netherlands** and the **United Kingdom** for example require a minimum **investment threshold**.

### Long-stay (D-type) visa<sup>114</sup>

Long-stay (D-type) visas are issued in 22 Member States, they are not issued in **Ireland** and the **United Kingdom**. Thirteen Member States (**AT, CZ, DE, EE, ES, HR, HU, IT, LV, NL, PL, SI, SK**) require the fulfilment of one or more 'common' criteria for admission under the long-stay (D-type) visa status (see Annex 3). Additional criteria have been identified in 14 Member States (**AT, BG, CZ, EE, EL, ES, FR, HU, LV, LT, LU, PL, SI, SK**) – seven Member States (**CZ, HU, LT, LU, PL, SI, SK**) for example require an applicant to provide **evidence** of the purpose of the intended stay in the country of application.

### Other statuses

In **Spain** and **Ireland**, access to a permit to stay is facilitated for a **victim of domestic violence** where his/her immigration status is currently derived from, or dependant on that of the perpetrator of domestic violence. Evidence must be supplied to support a claim that the applicant is a victim of domestic violence and can include, in the case of Ireland:

- ★ A Protection Order, Safety Order or Barring Order from the Courts;
- ★ Medical reports indicating injuries consistent with domestic violence;
- ★ A Garda report of incidents of domestic violence/a letter from a State body; or
- ★ A letter of support from a domestic violence support organisation.

### 4.3 STATUSES WHERE THE ADMISSION CRITERIA DIFFER FROM THE FIRST TIME APPLICATION

In almost half of the Member States (**BE, BG, CY, EE, FI, FR, HR, HU, IE, IT, PL, SI**) criteria to switch status **do not differ** from the ones for first time applicants, while 13 Member States (**AT, CZ, DE, EE, EL, ES, LT, LU, LV, NL, SE, SK, UK**) reported some differences in the criteria related to certain changes. In some Member States, this means that applicants who are already residing on the territory have to comply

with less criteria, while in others they have to comply with additional criteria on top of those applied to first time applicants.

#### 4.3.1 CHANGES FROM STUDENT OR RESEARCHER

The requirements for changing **from student or researcher** into another status differ from first time applicants in six Member States and are embedded in law (**AT, LT, NL, SE**) or policy (**UK**) documents. In three Member States (**FR, LT, NL, UK**), applications for the change of status from student to employee generally require the fulfilment of fewer criteria than for first time applications (i.e. no need to prove language skills or to present an extract of the criminal record). For changes from education into either employee (**ES, FR**) or highly qualified (**AT, UK**) a **labour market test** requirements may be lifted. In **Czech Republic**, graduates from Czech high schools and universities have free access to the labour market. If they find a job, they can easily switch their status to employment. In **Spain**, for the change from student to entrepreneur or highly-qualified worker, applicants do not need to present an extract of the criminal record. **United Kingdom's** policy for switching from student to family or business owner status also applies reduced requirements in respect of proof of language skills.

In some cases, in order to switch from student to other statuses **additional criteria** are imposed when compared to first time applicants. In **Sweden**, for the change from student to employee, applicants must be in possession of a valid residence permit for study purposes, have completed studies with a minimum of 30 university credits or conducted doctoral studies (at least one semester) and have found employment or received a job offer. In the **United Kingdom**, other additional criteria apply to the change from student to employee status (study qualification must be obtained from the previous stay as a student) as well as from student to graduate business owner status (endorsement must be obtained from a higher education institution or UK Trade & Investment). In **Spain** changes from student to general employment of self-employment require an additional criteria: a three-year period of previous stay in Spain, meanwhile the labour test requirement is lifted. In **Ireland** international students who graduate with a degree from an Irish third level institution can through the Third Level Graduate Scheme access the domestic labour market for one year without the requirement to hold an employment permit. At the end of this graduate permission, graduates can switch to a General Employment Permit should they fulfil the criteria necessary for this immigration permission. Graduates who undertake a role listed on the Highly Skilled Eligible Occupation List<sup>115</sup> can switch to a

<sup>114</sup> Long-stay (D-type) visa: Visas for stays exceeding three months are national visas issued in accordance with Member States' national legislation.

<sup>115</sup> Employments in respect of which there is a shortage in respect of qualifications, experience or skills which are required for the proper functioning of the economy. [www.djei.ie/en/What-We-Do/Jobs-](http://www.djei.ie/en/What-We-Do/Jobs-)

General Employment Permit with a lower salary requirement (EUR 27,000).<sup>116</sup>

#### 4.3.2 CHANGES FROM FAMILY

Changing **from family** into other statuses differs from first time applications only in **Spain** and **Luxembourg**, where if the applicant has been living in the country for a year prior to requesting the change from family into employee, s/he does not have to submit to the labour market test.

However, some Member States have certain requirements to be met before a third-country national becomes eligible to change the status from or into family reasons. For example, **Czech Republic** requires three years of continuous stay within the country to be able to change from family status (except in case of divorce or sponsor's death). Some Member States allow to change into family status only if the person is a family member of a national (**BE**,<sup>117</sup> **CY**<sup>118</sup>).

#### 4.3.3 CHANGES FROM EMPLOYMENT-RELATED STATUSES

With regard to changes **from employment-related statuses**, five Member States (**LT, LV, SE, SK, UK**) had introduced different requirements when compared to first time applications. In the **United Kingdom**, the proof of English language skills was not required in case of changes **from employee** to family and business owner status, as well as from business owner to family and highly qualified worker status. This was because applicants had already met the standard required when issued with the first category of visa.

In **Lithuania**, applicants wanting to switch **from a highly qualified worker** to employee status do not again need to present an extract of their criminal record from the country of origin nor proof or recognition of their qualifications. The national legislation on Residence Permits of **Latvia** foresees one additional criterion for applicants switching **from self-employed or business owner** to any other status, namely proof of tax payments. However, in comparison to first time applicant there is no need for:

- ★ An extract of the criminal record;
- ★ A completed application (unless the information provided previously has changed); and
- ★ Information on the place of residence (unless the information provided previously has changed).

[Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/Highly-Skilled-Eligible-Occupations-List](#)

<sup>116</sup> General Employment Permits attract a minimum salary requirement of EUR 30,000 [www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Permit-Types/General-Employment-Permit](http://www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Permit-Types/General-Employment-Permit)

<sup>117</sup> Belgium has this limitation only for categories of pending and failed asylum applicants, pending and failed humanitarian regularisations, pending and failed regularisations

<sup>118</sup> In Cyprus where the sponsor enjoys more favourable provisions it is also possible to change into family status (under family reunification) for certain categories.

In **Ireland**, changes from ICT into education and research statuses are possible, but are not an explicit part of the scheme. Any change would be based on individual circumstances assessed by an immigration officer.

#### 4.3.4 CHANGES FROM LONG-STAY (D-TYPE) VISA

Two Member States (**LT, SE**) apply different criteria to those wanting to switch **from long-stay (D-type) visa holder** status. In **Lithuania**, a national long-stay (D-type) visa is usually issued for the first year of residence for students and (highly) qualified workers. During that period, as a general rule, the long-stay (D-type) visa is switched into a residence permit. In **Sweden**, a status change **from a visa holder** (regardless of the type of visa) to employee is possible only if the applicant was offered employment for an occupation in which there is a considerable shortage of labour in Sweden and if it would constitute a problem for the employer that the applicant needs to leave the country to apply for a residence permit from abroad.

#### 4.3.5 CHANGES FROM ASYLUM SEEKER

In **Sweden** (see Section 2.1) a rejected **asylum seeker** who wants to change to an employee status can under certain conditions receive a temporary (and renewable) residence permit for work purposes if s/he was employed for at least four months and will continue to be employed for at least one year. Apart from this, the general conditions stipulating the need for work permits apply.

#### 4.3.6 CHANGES FROM OTHER STATUSES

Two Member States (**DE, LU**) reported to apply different criteria concerning switches **from specific migration statuses** to employee status. In **Germany**, to change a **tolerated stay status** into an employee status requires at least a vocational training qualification, whereas first time applicants may be exempt. According to the Law on Immigration of **Luxembourg**, applicants who want to change status **from private reasons** to employee do not need to pass the labour market test.

Some Member States (**CZ, DE, LV, LT and UK**) also reported that different criteria could be imposed when changing from any migration status into another. In **Latvia** and **Lithuania** applicants switching **from any status to any status** do not need to submit an extract of their criminal record, nor are they asked to complete an application form and to provide proof of their place of residence (if it did not change). In **Czech Republic** and **Slovakia** all applicants are exempt from the requirement to provide an extract of a criminal record and the medical report.

In **Estonia**, third-country nationals do not need to provide the same documents that were already provided during the first time application, unless it has changed since the first time application or was never

requested (e.g., in case of applying for international protection).

#### 4.4 QUOTA LIMITATIONS

Quota limitations are applied in seven Member States for certain statuses (**AT, DE, EE, HU, IT, SI, UK**). **Austria** applies quota limitations to certain changes into **family member**. In **Germany**, quota limitations are applied to migrants who want to switch **from long-stay (D-type) visa holder** to seasonal worker status, depending on the level of unemployment in the country. **Estonia** applies quota limitations to a large number of changes of status, particularly related to changes **into labour and business migration** statuses, in order to comply with the general annual quota which is capped at 0.1% of the population (approx. 1,300 persons). **Hungary** applies quotas to all third-country national **workers** whose employment requires prior authorisation. Nevertheless, as the quotas set exceed by far the actual number of issued permits, this measure does de facto not limit the number of third-country national workers who are issued a permit.

In **Italy**, quota limitations are applied to switches **from education** to some employment-related statuses (employee, self-employed) as well as **from self-employed** to employee. Nevertheless, the change of status can be granted regardless of the quotas for the current year in case the migrant turns 18 years old or if s/he obtains a graduation certificate or a postgraduate degree in Italy. **Slovenia** may determine annual quota limitations for residence permits issued to third-country nationals for reasons other than temporary residence permits issued for family reunification purposes, accredited journalists, artists, for research purposes, for the purposes of highly qualified employment, to victims of the trafficking of human beings, victims of illegal employment and temporary residence permits issued on the grounds of other justifiable reasons or in the interests of Slovenia. In the **United Kingdom** quota limitations are applied to changes **from education** to business owner (graduate entrepreneur quota of 2,000; no quota for a regular business owner). The quota that is applied to first time applicants under Tier 2 General (for skilled workers) does not apply for applicants that are changing from another status in-country.

#### 4.5 PROCEDURAL FACILITATIONS

In addition to different criteria described in section 4.3 and exemption to quota limitations in section 4.4, several Member States also have put in place some specific procedural facilitations to ease the change of status (in comparison with first time applicants).

In most Member States (**BE, CY, CZ, DE, EE, ES, FR, LT, LU, LV, SE, UK**), the procedural facilitations have been largely put in place for pragmatic reasons, such as improving cost-efficiency and reducing administrative burdens. However, in a few Member States (**BE, EE, IE, FR, UK**), the facilitation has been put in place in response to specific migration policy goals, thus aiming in particular to facilitate the change of status of those third-country nationals it wishes to attract.

Fifteen Member States (**AT, BE, CY, CZ, DE, EE, ES, FR, IE, LT, LU, LV, NL, PL, SK, UK**) offer some form of facilitated procedure to third-country nationals who want to change their status. Measures normally tend to facilitate access to statuses linked to remunerated activities, namely **employee (EE, FR, HU, IE)**, **highly qualified worker (BE, UK)** and **Blue Card (EE, DE, FR)**. Table 4.14 below provides an overview of procedural facilitations in place in Member States.

**Table 4.14: Overview of procedural facilitations**

Procedural facilitation	Member States
Online application	DE, ES, FR
Shortened processing time	BE, DE, FR,
Shortened decision time	BE, FR,
Reduced fees	DE, EE
Reduced documentary requirements	AT, BE, BG, CZ, DE, EE, ES, LT, LV, NL, SK
Reduced prove of means to support	AT, IE, UK
'Transitional status' <sup>119</sup>	CY, EE, ES, LV, PL, SE, SK

Most Member States offer a reduction of the **documentary requirements (AT, BE, BG, CZ, DE, EE, ES, LT, LV, NL, SK)** in case of a status change, with some exempt applicants from more requirements than others (see section 4.3). Some countries apply this to all applicants (**EE, LV, NL, SK**; see section 4.3.6) while others limit to specific routes (**BE, LT**). The exemption from submitting an extract of one’s criminal record was seen of high importance by **Slovak Republic** as it was considered to be the most problematic document to be provided by third-country nationals.

Some Member States reduce the **minimum income** requirements for certain statuses. In **Austria**, for applicants who have successfully completed their studies and who want to change into highly qualified worker, the level of the **monthly salary** to be demonstrated is lower. **Ireland** requires a lower remuneration threshold for those changing from student into employee for jobs which are listed on the Highly Skilled Eligible Occupations list, while the **United Kingdom** exempts those changing between Tier 2 highly qualified worker categories from the minimum GBP 945<sup>120</sup> monthly maintenance requirement.

<sup>119</sup> Possibility to stay beyond the expiration of the previous residence permit ('transitional status' for those who have applied before the permit expires)

<sup>120</sup> Equal to approximately EUR 1,200

Several Member States provided an estimation of the average processing time to change the status (see Table A3.8), which with a few exceptions this took around one month. The shortest processing times were identified in **Bulgaria**. Bulgaria has few days to one week processing time for all changes into research, Blue card and highly qualified worker status. In **France** time reductions exist for changes into the **Blue Card** (limited to 90 days) and from **student** into **employee**, while decisions on change from student into research can be also handled faster.

**Online applications** are accepted by four member States (**DE, ES, FR, and SE**). However, the availability of this service varies and depends on the specific area/local authority (**DE, FR**) or type of new permit requested (**SE**). **Estonia** and **Germany** have reduced the fees for a change of status. The reduction amounts to a few euros in Estonia, and EUR 10 (reduced from EUR 100 to 90) for changes into the Blue Card in Germany.

Finally, third-country nationals are allowed to remain under a **transitional status** provided that applications for a change of status are submitted before the expiring date of their residence permit (**AT, CY, CZ, EE, ES, LV, PL, SE, and SK**). Furthermore, in **Estonia** as of 2016 all third-country nationals who hold a temporary residence permit have a possibility to stay beyond the expiration of the previous residence permit for at least 90 days before applying a new migration status or leave the country.

## 5 Effectiveness, impact and perception of national policies regarding changes of status

This section examines the available evidence on the effectiveness and impact (sub-section 5.1) and the perception (sub-section 5.2) of policies related to change of status and the extent to which these policies have contributed to promoting or hindering changes of status in the Member States. This section also outlines the role of change of status in the prevention of irregularity (sub-section 5.3).

### 5.1 EFFECTIVENESS AND IMPACT OF NATIONAL POLICIES

The **effectiveness or impact of national policies** allowing third-country nationals to change status from within the territory of the country has not been systematically evaluated in the Member States.

Eight Member States (**CZ, DE, ES, FR, LV, NL, SE, and UK**) reported evidence on the effectiveness or impact of status change measures. A study conducted in **Czech Republic** in 2014 highlighted that it was common among students that do not complete their studies to change to the economic migrant status (or misuse the student status in order to take advantage of students' free access to the labour market). Furthermore, studies on business migration reported that many third-country nationals preferred to carry

out work on the basis of a self-employed contract instead of an employment contract, due to the less stringent criteria associated with the business status. In **France**, two studies<sup>121</sup> from the private sector that examined the reception conditions of third-country nationals also looked at the impact of policies on the change of status, highlighting **differences in practices** amongst actors involved in status determination across the country, which might have an impact on the extent to which third-country nationals were allowed to change status or not, depending on the prefecture where they applied for such change.

The **French** National Report also pointed at a lack of comprehensive information on the procedures for change of status and related legislation. A 2015 survey with the business sector showed that better information would, in the view of businesses, help to attract and retain students from third countries with relevant qualifications.

However, a **positive impact of policies on status change** was reported on changes from student to employee<sup>122</sup> and on the extension of the residence permit by one more year for PhD students employed as researchers once they had completed their PhD. Nevertheless, a study conducted in 2013<sup>123</sup> concluded that policies favouring changes of status give a **positive contribution to the national economy as they facilitate integration** and insertion into the French society, foster the development of foreign talent in the country as well as the development of links with emerging countries. Similarly, the facilitated changes introduced to highly qualified workers, entrepreneurs and researchers in **Spain** in 2013, showed an increase in the number of changes of status.

An overview of the impact of the measures on change of status in **Germany** is provided by a 2014 study on the Employment of foreign graduates of German universities (*Beschäftigung ausländischer Absolventen deutscher Hochschulen*). A survey among former holders of an education permit, undertaken as part of the study, highlighted that 55% of the foreign graduates had stayed in Germany after completion of their higher education programme, of which:

- ★ 31% for family reasons;
- ★ 24% for remunerated activities;
- ★ 20% held a permanent residence title;
- ★ 19% filed an application for a residence title after graduation; and
- ★ 6% to seek employment.

<sup>121</sup> Euraxess France report and Magellan circle's "White Paper on international mobility"

<sup>122</sup> Numbers have increased significantly with a figure multiplied by two between 2013 and 2014, from 5,485 to 10,310 and continuing to increase in 2015 (provisionally to 12,921)

<sup>123</sup> Etudiants étrangers et marche du travail – une comparaison Allemagne, France, Royaume, CGSP, novembre 2013



A **Swedish** report on labour immigration published in 2015 analysed cases in which rejected asylum seekers requested a change to labour-related statuses, particularly looking into the decision-making practice of the Swedish Migration Agency, which had refused many of these requests. The report concluded that the status change was perceived by many asylum seekers as an **alternative possibility to stay in the country** for humanitarian reasons rather than a possibility to stay employed. Media coverage at the time emphasised the point that status changes for rejected asylum seekers were **only possible for persons who had employment** and not for asylum seekers who had become self-employed. With regard to students, Swedish media criticised the earlier practice of not allowing foreign students to remain in the country for the purpose of work as this might result in a loss of talent for the Swedish labour market. In **Latvia**, a study concluded that the change of status procedure was **too bureaucratic** and **too costly**, and not much different from the procedure for first time applicants. According to the study, the situation had recently slightly improved and in cases of permit renewal, the amount of documents required for lodging an application has been **considerably reduced**. Similarly, in **Spain**, a SWOT analysis carried out in 2012 showed that changes of status from international students into employee were quite difficult. This was mainly due to the need to provide proof of a sufficiently long previous stay in country. In the **Netherlands** in 2014, the Highly Educated Migrants Scheme was evaluated by the Research and Documentation Centre (WODC). From this evaluation it appeared that the majority of participants was satisfied with the scheme. The participants mentioned various reasons for this (e.g. the scheme was an instrument to stay in the Netherlands or in Europe, being able to provide a contribution to the Dutch knowledge economy, the option to gain European/international working experience). The WODC ascertained two **important obstructions** in the Highly Qualified Migrants Scheme: the requirement that the employer must be in a possession of a work permit if the third-country national wants to work during the year to provide for his/her subsistence and insufficient familiarity with the scheme abroad. Besides, the evaluation made it clear that, although it involved an increase in the number of granted cases, the number of participants for the scheme remained limited. It also appeared that the scheme was primarily used by highly qualified people who already stayed in the Netherlands.

Finally, the **United Kingdom's** All Party Parliamentary Group on Migration conducted a qualitative study on the post-study work opportunities for international students. The report criticised the closure of the Tier 1 post study work route (in 2012 following abuse of this

migration route) which offered Tier 4<sup>124</sup> students the opportunity to stay in the United Kingdom and look for employment for two years after they had finished their studies. However, the United Kingdom Government's position is that the United Kingdom continues to have an excellent offer for graduates wishing to take up skilled work in the country after their studies.

## 5.2 PERCEPTION OF THE CHANGE OF STATUS AT NATIONAL LEVEL

As highlighted in sub-section 2.1.2, public and political debate on the change of status appears to be generally limited in all Member States. In **Germany**, the debate mostly focuses on the issues of labour and skills shortages that could be mitigated by third-country students, migrants and asylum seekers who have completed vocational training. **Early integration is considered pivotal** in particular for this last category, as they may have the skills required to make a contribution to the German economy. Moreover, the entrepreneurial spirit that characterises third-country nationals (and in particular asylum seekers) is recognised by the Business associations, which strongly advocate for integration measures and more **flexible migration policies**. Currently, **employers in Latvia** have drawn attention to changes of status for the purpose of work, due to the growing lack of (qualified) workforce. Participants in the 19<sup>th</sup> summit of the Latvian government and Foreign Investors' Council (2015) emphasised the need for a **well thought-through immigration policy**, also addressing changes in the purpose of stay for third-country students, which is currently not possible before graduating from university. In **Austria** there is some discussion on the lack of success in retaining international students. It was claimed that the barriers to remaining in Austria after graduating university were too high. Changes of status are generally perceived positively in **Luxembourg**, as evidenced by the reactions of commentators during the elaboration of the Law on Immigration and through the views expressed by the Chamber of Commerce and Caritas Luxembourg. Civil society also considered the possibility of **changing immigration status as a positive development**. In **Bulgaria**, although public debate on the change of status is limited, the National Agency for Investments (IBA) promotes the possibility of foreigners to work and invest in the country. The change of status is not specifically mentioned in the Agency's goals but it could be key for the achievement of this purpose.

## 5.3 CHANGE OF STATUS AND PREVENTION OF IRREGULARITY

While there is no systematic or quantifiable evidence, the national report suggests that in **Sweden change of status may help to prevent irregular stay**.

<sup>124</sup> Tier 4 is a route for students applying under the points based system. It is for students who want to study for a period of 6 months and more

Available statistics show that only a small number of rejected asylum seekers are successful in making a change of status and, consequently, remain in the country legally as workers. However, it is likely that, in the absence of change of status possibilities, more people would **end up in an irregular situation**. The **Austrian** national report highlighted that the relatively permissive rules for changing status function well in preventing certain types of irregularity in practice. It was seen of particular importance for individuals whose reason to stay ceased to exist after residing in the country for several years. It was considered as inappropriate to restrict an individual to only one purpose of residence and to attempt, often unsuccessfully, to terminate his/her residence after several years. According to the Ministry of Economy of **Luxembourg**, a change of status may help to reduce irregular stay, for example in situations where a third-country national loses his/her job and applies for the status of self-employed worker. According to the non-governmental organisation CLAE, the possibility of **changing the status helps in preventing irregular stay** in situations where the third-country national would be left without a permit when his/her personal circumstances change. The organisation looks favourably at the Directorate of Immigration's practices that apply a certain degree of flexibility when assessing change of status requests, making decisions on a case-by-case basis. The importance of changes from employees to self-employed workers is also highlighted in the **Spanish** National Report. According to the statistics provided for in the National Report, from 2011 to 2014, this kind of change has increased by 68% due to the increase in persons becoming self-employed and/or entrepreneurs in the aftermath of the economic crisis. Similarly, migration experts in **Latvia** consider that the possibility to change the purpose of stay without leaving the country reduces the number of third-country nationals who remain illegally in the country after expiration of their initial status.

## 6 Challenges, good practices and lessons learned in change of status

This section looks at challenges, obstacles and good practices, as identified in several country reports, related to the change of status for third-country nationals whilst remaining on the territories of Member States.

### 6.1 CHALLENGES FOR NATIONAL AUTHORITIES AND APPLICANTS

The main challenge described by **Bulgaria** is the lack of research on the possibilities of change of status in the country. The Bulgarian administration could benefit from an analysis of how their legislation is being applied in practice and whether there are any flaws and/or opportunities for facilitation in this regard with regard to the process of change of status.

Potential misapplications of the change of status legislation and consequent challenges for authorities have been identified in **Luxembourg**. One example concerns transferred workers, for whom the residence permit is easy to obtain<sup>125</sup> which may lead to abuse of this route.

Another obstacle is the prolonged duration of the procedure concerning the **change to a residence permit for self-employed worker**.<sup>126</sup>

The lack of harmonisation of practices is considered to be the biggest challenge in **France**. In general, the prefectures appear to have very different practices in place with regard to status of change applications (e.g. documentary evidence requested for researchers varies from one prefecture to another, thus delaying the procedure).

Insufficient information dissemination has also been identified as potential barrier to change of status in **France** and **Poland**. Procedures are not well-known among third-country nationals and in addition are quite complex for both companies and applicants. The French National report also considered that less qualified third-country nationals, due to their poor understanding of the French language, poor IT skills and access to IT, would encounter more difficulties to access information on opportunities for change of status. The lack of a transitional status for international students in order to search for a job before the expiration of their residence permit has been identified as a challenge in **Spain**.

According to Article 7 of the 'Entry, residence and social integration of third-country nationals in the Greek territory' (Law 4251/2014), change of status is prohibited in **Greece** for many categories of third-country nationals (e.g. investors, students, researchers, highly qualified workers, volunteers, military and similar academies), unless, however, otherwise stipulated in more specific provisions. This general prohibition has a negative impact particularly on international students and researchers, who know beforehand that they will not be able to remain in the country to work or undertake further research, thus making Greece a **less attractive destination** for this category of third-country nationals.

Six Member States (**AT, FR, LT, LV, PL, SE**) identified challenges concerning employment-related statuses (i.e. investor, business owner, self-employed, highly qualified workers). In **Latvia**, challenges are related to changes of status where the required conditions are not fulfilled (previous or next status is essentially fictitious). For example, a person who received a

<sup>125</sup> A third-country national has to work for the same business group and the two entities (applicant-employer) have to conclude a contract for the transfer with no minimum salary requirements

<sup>126</sup>It can take between three to six months

residence permit as an investor and has not fulfilled the minimal criteria of economic activity is not entitled to receive the next residence permit in relation to other status, thus presenting challenges related to the period and equity of restrictions. **Lithuanian** authorities registered several cases of abuse of change of status **from business owner or employee** to highly qualified worker status, where some third-country nationals falsely indicated to receive a higher salary (i.e. three times above the average) in order to avoid the labour market test. In these cases, the higher salary was only agreed upon so that the third-country could obtain a temporary residence permit, while in reality a lower salary was subsequently paid. Abuses were also registered with regard to changes of status **from employee, student and family** to business owner, as the requirements for business owners were less stringent. In **Sweden**, challenges for authorities occurred sometimes when a **rejected asylum applicant** received a residence permit for employment purposes while authorities could already have started a return procedure. This meant that, as soon as a positive decision was made, the police had to be asked to stop any return measures. Further issues were noted when authorities verified if an applicant **reached the minimum earnings threshold**, especially when a share of the salary was provided in kind (e.g. by offering housing or food). The minimum salary threshold also represented a general challenge, as it could be difficult to reach for example if a person worked part-time and/or in a low-wage sector. As the permit for employment is linked to a specific occupation and a specific employer, applicants who have more than one part-time job which when added together would amount to the minimum salary required, also risk being rejected as authorities can only consider the 'main' job. Delays in processing requests for a change of status are often registered in **France**, particularly with regard to changes **to employee, self-employee or business owner statuses** where it can take between four to six months to process an application. Similar challenges were identified also in **Poland**. Delays in Poland are generally linked to a lack of capacity to process the significant increase in the number of cases registered since 2014.

Another challenge in **Poland** is that every time a foreigner holding a residence permit for employment changes employer (which happens rather often), s/he has to apply for a new residence permit, without there being any procedural facilitations (e.g. no reduced fee). **Austria** reported age being a challenge for changing residence status. Individuals over 40 are unable to achieve the minimum number of points that the system requires for the Red-White-Red Card<sup>127</sup>,

<sup>127</sup> RWR Cards are issued to skilled workers in shortage occupations, other key workers and graduates of an Austrian institution of tertiary education

even after providing evidence of being a skilled worker with occupational experience and German skills.

## 6.2 GOOD PRACTICES AND LESSONS LEARNED

Good practices have been identified in several Member States, particularly with regard to the rights of particular categories of third-country nationals (i.e. students, victims of trafficking).

**Belgium** and **Spain** has a flexible system of change of status which particularly facilitates changes to economic statuses, to the benefit of the individual (enhanced rights) and the economy. In **Greece**, particular attention is paid to cases of **victims of trafficking and/or smuggling**. Although Directive 2004/81 contains no provisions which would oblige Member States to provide victims of trafficking and/or smuggling the possibility to change the purpose of their stay, this provision was included in Greek legislation in order to enhance the protection and social inclusion of victims.

In nine Member States (**AT, DE, EE, FR, IE, LT, NL, PL, SE**), the rights of students have been enhanced in order to extend their stay in the country after completion of studies. In **France**, a temporary residence permit has been introduced for Master students who terminated their course of study in order to enable them to look for employment. The number of students who request a residence permit on other grounds while benefiting from the temporary residence permit has increased over the past few years. This practice was also welcomed by companies as it facilitates the insertion of qualified students into the French labour market. Other good practices include facilitated procedures for changes **from student to employee** and **from student to researcher** (in some prefectures). Similarly, **Ireland** aims to **retain talented migrants**, particularly those who entered the country as international students, by enabling them to access the domestic labour market through the Third Level Graduate Scheme which allows graduates to work for one year without the requirement to hold an employment permit. At the end of this graduate permission, graduates can switch to a General Employment Permit should they fulfil the criteria necessary for this immigration permission. Graduates who are fulfilling a role listed on the Highly Skilled Eligible Occupation List<sup>128</sup> can switch to a General Employment Permit with a lower salary requirement (EUR 27,000)<sup>129</sup>. This facilitation enables the retention of graduates in a manner which helps to address skills shortages. The 2016 amendment of the

<sup>128</sup> Employments in respect of which there is a shortage in respect of qualifications, experience or skills which are required for the proper functioning of the economy. [www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/Highly-Skilled-Eligible-Occupations-List](http://www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/Highly-Skilled-Eligible-Occupations-List)

<sup>129</sup> General Employment Permits attract a minimum salary requirement of EUR 30,000 [www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Permit-Types/General-Employment-Permit](http://www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Permit-Types/General-Employment-Permit)

**Estonian** Aliens Act provides an extended period of up to 183 days for third-country students, researchers and lectures to find a new legal basis to stay in Estonia after their residence permit has expired. In **Lithuania**, an amendment of the Law on Legal Status of Aliens stipulates that third-country nationals who have completed training or studies are allowed to remain in the country for a further period of six months and to seek employment. Similar provisions of a six months period exist also in **Austria**. The **Netherlands** provides an opportunity for third-country nationals up to three years after graduation or completion of research to request an orientation year that allows to search for employment relevant to the studies or research.

Good practices on **dissemination of information** were reported by **Luxembourg**. If the Directorate of Immigration identifies the option for a **third-country national to obtain a more favourable status**, they will inform the concerned person of this possibility. This practice is supported by NGOs providing legal advice to migrants. Finally, a good practice highlighted by the **United Kingdom** concerns the assessment of whether migrants' activities have been in line with the requirements associated with their current status (for example, checking tax record to ensure migrants have not been working, if such is not allowed as part of the conditions of stay, checking whether those switching from the student route have completed and passed a UK degree, etc.) before allowing them to change their status. This practice aims to tackle and reduce non-compliance in the immigration system.

## 7 Conclusions

The **number and type of migration statuses differs** between the Member States. Some statuses are EU-regulated and therefore present in nearly all Member States (e.g., family, education, research), with the exception of those which have opted out or are still in the process of transposing the relevant legislation, while others are national statuses and hence dependent on the Member State's migration policy and system. All Member States have one or more national statuses related to **employment**. Other national statuses may not exist as a 'standalone' status but included as a category within a more general migration route (e.g. Sweden does not distinguish between highly qualified workers, seasonal workers and ICTs but all are covered by their employment status).

All Member States have **at least some legal possibilities** for change of status in place. Some allow for changes from and into almost all existing categories, while others are more restrictive. The main **driver** for Member States to allow for status changes relates to **economic considerations**. Most concern macroeconomic reasons, such as addressing labour and skills shortages, as well as attracting and retaining talent. A few Member States also consider

**microeconomic** reasons, related to increasing the cost-efficiency and flexibility of their migration system. In addition to these economic drivers, some Member States also consider that allowing migrants to change status can benefit their **integration** and prevent them from ending up in an **irregular situation**. A few Member States also deem that certain status changes may contribute to **development related objectives** in the countries of origin of third-country nationals. Several Member States **facilitate** status changes, either for efficiency reasons or because they wish to retain a certain category of third-country nationals.

The **main drivers** for **third-country nationals** to apply for change of status relate to the 'inevitable' **expiry of the current status** and, closely linked to this, preventing being returned to their country of origin, the **improved rights** offered by other statuses (several of which are set through EU common standards), and a **change of their 'real' situation** (e.g. marrying someone and thus changing to family reasons, wanting to become self-employed, etc.).

In the majority of Member States, the **admission criteria and conditions when applying for a change of status do not differ from first time applicant**. Thirteen Member States have different criteria in place - in most cases the criteria are **reduced** in comparison to first time applicants, but in some cases admission criteria are **increased**, mostly related to changes into statuses which concern remunerated activities (**DE, ES, SE, UK**).

It has **not been possible to establish whether, and to what extent, reduced admission criteria and procedural facilitations have an impact on the extent to which third-country nationals apply for a change of status**. **Ireland** and **France** are amongst the Member States with the highest share of changes of status per valid residence permits, however their procedures do not differ from those in place for first time applicants. The **United Kingdom** are Member States which offers reduced criteria and procedural facilitations, but its respective shares of status changes is not particularly high. On the other hand, **Czech Republic**, which has specific criteria and reduced documentary requirements, has witnessed a high share of third-country nationals changing their migration status.

**Changes from education reasons** are those which are most often legally possible in the Member States and they are also the changes which are most often made in the EU. This type of status changes has, however, been the subject of debate and legislative changes in several Member States, with some focussing on retaining students who had successfully completed their studies and had qualifications relevant to labour market needs, which led to an increase in the number of status changes, while others sought to reduce abuse of this migration status, thus leading to a

decrease in status changes. For example, the closure of post-study route in the United Kingdom in 2012 resulted in decrease of changes from 44,127 in 2012 to 12,779 in 2013. Changes from education reasons into remunerated activities are most often **facilitated** by Member States. These changes usually **enhance rights** in relation to access to employment, the duration of stay and possibilities for family reunification.

Member States have a variety of national statuses in place to cover third-country nationals staying for employment and self-employment. **Remunerated activities** is the second most frequently changed status, after education reasons. In 2014, 4% of third-country nationals with a valid residence permit for remunerated activities changed their status. The legal possibilities for such changes may have however become more limited as a result of the economic crisis, with some Member States introducing measures to protect their national labour market (e.g., Bulgaria no longer allows any changes into economic activities, while Czech Republic introduced additional requirements). The **Blue Card, highly qualified worker, researcher** and **employee** statuses are most favourable in terms of legal possibilities to request a change of status and the rights and benefits granted with these statuses.

Although often legally possible, **changes from family reasons** are the least often used status changes. Over the period 2010-2014, each year only 1% of persons with valid residence permits for family reasons changed the status. The small share could in part be explained by the relatively long duration of stay offered by this status and the rights and benefits granted, although these are highly dependent on the status of the sponsor.

Some Member States also allow **changes from protection-related situations** - asylum applicant status and temporary permits for victims of trafficking. Overall, more legal possibilities to change status are offered to victims of trafficking than to asylum applicants. **Sweden** appears to be rather unique in allowing rejected asylum applicants to change into an employment-based status, under certain conditions. In **Germany**, it is also debated whether (rejected) asylum seekers should be allowed to change into a status for employment purposes. For well-integrated young people and adolescents with a tolerated stay status as well as persons whose deportation was suspended and who became integrated lastingly into society; the opportunities to change into a legal status were facilitated by amendments to the Residence Law introduced in August 2015.

Very few Member States provide information on the possibilities and requirements related to status changes, although most offer details, often through their official websites dedicated to migration, on the

different migration statuses and related admission procedures, which can still be helpful for third-country nationals interested in changing status.

The **effectiveness or impact** of national policies allowing third-country nationals to change status from within the territory of the country has not been systematically evaluated in the Member States. Studies carried out in **France** and **Spain** showed that legislative changes facilitating status change can give a **positive contribution to the economy** as well as facilitate **integration**. Similarly survey carried out in **Germany** highlighted that 55% of foreign students stayed in Germany after completion of their higher education programme as a result of a change of status. In **Latvia** a study highlighted that the procedure for change of status was too bureaucratic and too costly, differing only to a minimum extent from the procedure for first time applicants. Finally, the United Kingdom had closed one of the legal possibilities for the change of status from graduate students to reduce abuse of the migration system. The change of status is generally **not much publicly debated** in the EU.

**Challenges** for national authorities and applicants have been identified in several Member States particularly with regard to:

- ★ Absence of research on status changes (**BG, LU**);
- ★ Misuse and abuse of the change of status by either migrants themselves or their sponsors or employers (**CZ, LT, LU, LV, SE** and **UK**);
- ★ Differences in practices of stakeholders involved in the status change procedure (**DE, FR**);
- ★ Lack of dissemination of information (**BE, FR**); and
- ★ Lack of transitional residence permit for international students that would allow to search for employment (**ES**).

**Good practices** have been identified in several Member States, particularly with regard to:

- ★ Retaining talent (in particular regarding international students who have successfully completed their studies) (**BE, EE, FR, IE, LT, NL, PL** and **SE**);
- ★ Dissemination of information (**LU**); and
- ★ Facilitating the change of status of those who have applied for protection (**DE, SE**).

## Annex 1 Minimum standards of rights for EU and nationally regulated statuses

**Table A1.1** Minimum standards of rights for EU-regulated statuses

Migration status	EU legislation	Employment	Social security	Education	Duration of stay	Long-term Residence	Legal assistance	Mobility	Family reunification
Family	Family reunification Directive 2003/86/EC and Single Permit Directive 2011/98/EU (if TCN is allowed to work)	<p>Directive 2003/86/EC: Access to employment and self-employed activity in the same way as the sponsor</p> <p>Directive 2011/98/EU: equal treatment with nationals with regard to working conditions, including pay and dismissals, as well as health and safety at the workplace, and advice services afforded by employment offices</p>	<p>Directive 2011/98/EU: equal treatment with nationals with regard to branches of social security as defined in Regulation (EC) No 883/2004, and tax benefits</p>	<p>Directive 2003/86/EC: Access to education and access to vocational guidance, initial and further training and retraining in the same way as the sponsor</p> <p>Directive 2011/98/EU: equal treatment with nationals with regard to education and vocational training and recognition of qualifications</p>	<p>Directive 2003/86/EC: At least one year, renewable</p>	No mention	Not included	No clauses	<p>Directive 2003/86/EC: Yes, where the sponsor is holding a residence permit issued by a Member State for a period of validity of one year or more who has reasonable prospects of obtaining the right of permanent residence</p>
Education	Students Directive 2004/114/EC	<p>Students shall be entitled to be employed and may be entitled to exercise self-employed economic activity. The MS can take into account the situation of the labour market and decide to apply a prior authorisation requirement. Other conditions apply.</p>	Does not provide	Yes, limited to the purposes of admission	<p>Students: at least one year (unless shorter duration of the course), renewable</p> <p>School pupils: no more than one year</p>	<p>Directive 2009/109/EC, Article 4: Member States may take into account half the time of residence</p>	Not included	<p>Allowed to carry out part of their studies in another Member State under some conditions.</p>	<p>Yes, as per Directive 2003/86/EC, if s/he is holding a residence permit for a period of validity of one year or more and has reasonable prospects of obtaining the right of permanent residence</p>
Research	Researchers Directive 2005/71/EC	<p>Yes, but only research and teaching; equal treatment with nationals with regard to working conditions, including pay and dismissals</p>	<p>Equal treatment with nationals with regard to branches of social security as defined in Regulation (EEC) No 1408/71, and tax benefits</p>	<p>Equal treatment with nationals with regard to recognition of qualifications</p>	<p>At least one year (unless shorter duration of the research project), renewable</p>	No mention	Not included	<p>Allowed to carry out part of his/her research in another Member State under some conditions.</p>	<p>Yes, as per Directive 2003/86/EC but without the requirement of having a minimum period of residence.</p>
Blue Card	Blue Card Directive 2009/50/EC and Single Permit Directive 2011/98/EU	<p>Blue Card Directive 2009/50/EC: For the first two years of legal residence, access to the labour market is restricted to the activities which meet the conditions for</p>	<p>Blue Card Directive 2009/50/EC: Equal treatment with nationals with regard to branches of social security as defined in Regulation (EEC) No 1408/71</p>	<p>Blue Card Directive 2009/50/EC: Equal treatment with nationals with regard to education and vocational training, and recognition of qualifications</p>	<p>Blue Card Directive 2009/50/EC: 1-4 years, renewable</p>	Blue Card Directive 2009/50/EC: Eligible	Not included	<p>Blue Card Directive 2009/50/EC: After 18 months of legal residence in the first MS, the person concerned and</p>	<p>Yes, as per Directive 2003/86/EC but without the requirement of having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.</p>

Migration status	EU legislation	Employment	Social security	Education	Duration of stay	Long-term Residence	Legal assistance	Mobility	Family reunification
		<p>admission. After these first two years, Member States may grant equal treatment with nationals as regards access to highly qualified employment.</p> <p>Directive 2011/98/EU: Equal treatment with nationals with regard to working conditions, including pay and dismissal as well as health and safety at the workplace, and advice services afforded by employment offices</p>	<p>Directive 2011/98/EU: equal treatment with nationals with regard to tax benefits</p>					<p>his family members may move to another MS for the purpose of highly qualified employment under same conditions</p>	
Seasonal worker	<p>Seasonal workers Directive 2014/36/EU</p>	<p>Equal treatment with nationals with regard to terms of employment, including the minimum working age, and working conditions, pay and dismissal, working hours, leave and holidays, health and safety requirements at the workplace</p>	<p>Equal treatment with nationals with regard to branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004, and tax benefits. MS may exclude family benefits and unemployment benefits</p>	<p>Equal treatment with nationals with regard to education and vocational training, and recognition of qualifications. MS may limit education and vocational training to those directly linked to the specific employment activity</p>	<p>5-9 months/ 12-month period</p>	<p>Directive 2009/109/EC, Article 3: Not eligible</p>	<p>Not included</p>	<p>No clauses</p>	<p>No clauses</p>
ICT	<p>ICT Directive 2014/66/EU</p>	<p>Equal treatment with nationals with regard to terms of employment, including working conditions, pay, working hours, leave and holidays, health and safety requirements at the workplace, non-discrimination.</p>	<p>Equal treatment with nationals with regard to branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004. MS may exclude o family benefits if the ICT is admitted for a period not exceeding nine months.</p>	<p>Equal treatment with nationals with regard to recognition of qualifications.</p>	<p>At least one year, or the duration of the transfer if shorter, and maximum 3 years</p>	<p>No mention</p>	<p>Not included</p>	<p>ICT may enter, stay and work in one or several second Member States under same conditions.</p>	<p>Yes, as per Directive 2003/86/EC, without minimum residence requirement and without requirement of reasonable prospects of obtaining the right of permanent residence.</p>
Asylum applicant	<p>Reception Conditions Directive 2013/33/EU</p>	<p>Access to the labour market no later than 9 months from the date when the application for international protection was lodged, under</p>	<p>No, but right to material reception conditions, an adequate standard of living for applicants, and health care especially for</p>	<p>Minors have right to access the education system under similar conditions as nationals. It may be limited to State education system. Where this access is</p>	<p>As long as his or her application is pending or being examined</p>	<p>Directive 2009/109/EC, Article 3: Not eligible</p>	<p>Member State shall provide with information on entities that provide specific legal assistance and counselling.</p>	<p>No clauses</p>	<p>No clauses</p>

Migration status	EU legislation	Employment	Social security	Education	Duration of stay	Long-term Residence	Legal assistance	Mobility	Family reunification
		conditions established by national law.	vulnerable people. These provisions may be conditional to not having sufficient means for subsistence or require applicants to cover or contribute to the cost.	not possible, other education arrangements shall be taken. MS may allow applicants access to vocational training.					
Victim of trafficking	Victims of Trafficking Directive 2004/81/EC and Directive 2011/36/EU	Directive 2004/81/EC: holders of residence permit shall be authorised access to the labour market, but under rules and conditions established by national law.	No access to social security, but : Directive 2004/81/EC: standards of living capable of ensuring their subsistence, access to emergency medical treatment and care for special needs of the most vulnerable, access to schemes for recovery of normal social life.  Directive 2011/36/EU: MS shall provide assistance and support to victims before, during and after the conclusion of criminal proceedings: standards of living capable of ensuring victims’ subsistence, accommodation, material assistance, necessary medical treatment.	Directive 2004/81/EC: minor holders of residence permit shall have access to educational system under the same conditions as nationals, but it may be limited to the public education system. Adult holders of residence permit shall be authorised to have access to the education and vocational training, but under rules and conditions established by national law.	Directive 2004/81/EC: at least six months, renewable	No mention	Directive 2004/81/EC: translation and interpreting services; may provide with free legal aid, if established and under the conditions set by national law After issuance of residence permit, MS shall provide necessary medical or other assistance to TCNs who do not have sufficient resources and have special needs.  Directive 2011/36/EU: MS shall provide with legal counselling, legal representation (free of charge where the victim does not have sufficient financial resources), counselling and information, translation and interpretation services.	No clauses	Yes, as per Directive 2003/86/EC, where the sponsor is holding a residence permit issued by a Member State for a period of validity of one year or more who has reasonable prospects of obtaining the right of permanent residence



**Table A1.2 Minimum standards of rights for national statuses regulated by EU law**

Migration cat	EU legislation	Employment	Social security	Education	Family reunification
<b>Highly qualified worker</b>	<b>National status and Single Permit Directive 2011/98/EU</b>	Directive 2011/98/EU: equal treatment with nationals with regard to working conditions, including pay and dismissal as well as health and safety at the workplace, and advice services afforded by employment offices	Directive 2011/98/EU: equal treatment with nationals with regard to branches of social security as defined in Regulation (EC) No 883/2004, and tax benefits	Directive 2011/98/EU: equal treatment with nationals with regard to education and vocational training, recognition of qualifications	Yes, as per Directive 2003/86/EC, if s/he is holding a residence permit for a period of validity of one year or more and has reasonable prospects of obtaining the right of permanent residence
<b>Employee</b>	<b>National status and Single Permit Directive 2011/98/EU</b>	Directive 2011/98/EU: equal treatment with nationals with regard to working conditions, including pay and dismissal as well as health and safety at the workplace, and advice services afforded by employment offices	Directive 2011/98/EU: equal treatment with nationals with regard to branches of social security as defined in Regulation (EC) No 883/2004, and tax benefits	Directive 2011/98/EU: equal treatment with nationals with regard to education and vocational training, recognition of qualifications	Yes, as per Directive 2003/86/EC, if s/he is holding a residence permit for a period of validity of one year or more and has reasonable prospects of obtaining the right of permanent residence
<b>Self-employed</b>	<b>National status</b>				Yes, as per Directive 2003/86/EC, if s/he is holding a residence permit for a period of validity of one year or more and has reasonable prospects of obtaining the right of permanent residence
<b>Business owner</b>	<b>National status</b>				Yes, as per Directive 2003/86/EC, if s/he is holding a residence permit for a period of validity of one year or more and has reasonable prospects of obtaining the right of permanent residence
<b>Investor</b>	<b>National status</b>				Yes, as per Directive 2003/86/EC, if s/he is holding a residence permit for a period of validity of one year or more and has reasonable prospects of obtaining the right of permanent residence
<b>Long-stay (D-type) visa holder</b>	<b>National status</b>				Yes, as per Directive 2003/86/EC, if s/he is holding a residence permit for a period of validity of one year or more and has reasonable prospects of obtaining the right of permanent residence

## Annex 2 Legal possibilities to change the status

**Table A2.1** List of legal possibilities to change the status without leaving the country

Into From	Family	Education	Research	Blue Card	Highly qualified worker	Employee <sup>130</sup>	Self-employed	Business owner	Seasonal worker	ICT	Investor	Long-stay (D-type) visa holder	Victim of trafficking	Other (please specify)
<b>Family (24 MSs reporting having such status)</b>		(21) AT, BE, BG, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK	(21) AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, SE, SI, SK	(17) AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LU, LV, NL, PL, SK	(9) AT, BE, DE, ES, FI, FR, IE, LV, NL,	(21) AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK	(18) AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK	(12) BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK	(6) AT, CZ, HR, LV, SI, SK	(8) AT, CZ, EL, HR, LT, LV, PL, SK	(9) BG, CY, EL, ES, FR, HU, IE, LV, NL	(2) LT, LV	(18) BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, NL, PL, SE, SI, SK	(10) AT*, BE**, CY*, CZ*, DE*, EL*, ES, LU*, PL*, SI*
<b>Education (24)<sup>131</sup></b>	(23) AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SE, SI, SK, UK		(20) AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LV, NL, PL, SE, SI, SK	(18) AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LT, LV, NL, PL, SE, SI, SK	(12) AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI, UK (with restriction s)	(23) AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK (with restrictions)	(17) AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LV, NL, SE, SI, SK	(13) BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK, UK (with spec. funding)	(7) AT, CY, CZ, HR, LV, SI, SK	(7) AT, CZ, HR, LT, LV, PL, SK	(10) BG, CY, ES, FR, HR, HU, IE, LV, NL, UK	(2) LT, LV	(18) BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, NL, PL, SE, SI, SK	(8) BE**, CY*, CZ*, DE*, EL*, ES, PL*, SI*
<b>Research (23)</b>	(23) AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK	(20) AT, BE, BG, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK	Does not exist in: UK	(14) AT, CZ, DE, EE, EL, ES, FI, FR, HR, LU, LV, NL, SE, SI	(11) AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI	(20) AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, SE, SI, SK	(18) AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LV, NL, SE, SI, SK	(12) BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK	(6) AT, CZ, HR, LV, SI, SK	(7) AT, CZ, HR, LT, LV, PL, SK	(9) BG, CY, ES, FR, HR, HU, IE, LV, NL	(2) LT, LV	(18) BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, NL, PL, SE, SI, SK	(9) BE**, CY*, CZ*, DE*, EL*, ES, LU*, PL*, SI*
<b>Blue Card (22)</b>	(21) AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LU, LV, NL, PL, SE, SI, SK	(19) AT, BE, BG, CZ, DE, EE, FI, FR, HR, HU, IT, LT, LU, LV, PL, NL, SE, SI, SK	(19) AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SE, SI, SK	Does not exist in: IE, UK	(9) AT, BE, DE, ES, FI, FR, LV, NL, SI	(18) AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SE, SI, SK	(16) AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, LU, LV, NL, SE, SI, SK	(11) BG, CZ, DE, EE, ES, FR, HU, LT, LV, PL, SK	(6) AT, CZ, HR, LV, SI, SK	(7) AT, CZ, HR, LT, LV, PL, SK	(7) BG, ES, FR, HR, HU, LV, NL	(1) LV	(16) BE, CZ, DE, EE, ES, FI, FR, HR, HU, LU, LV, NL, PL, SE, SI, SK	(8) BE**, CZ*, DE*, EL*, ES, LU*, PL*, SI*

<sup>130</sup> For UK Tier 2 General switching possibilities reported

<sup>131</sup> In LV only students who have graduated from a university are entitled to change their purpose of stay without leaving LV

Into From	Family	Education	Research	Blue Card	Highly qualified worker	Employee <sup>130</sup>	Self- employed	Business owner	Seasonal worker	ICT	Investor	Long-stay (D-type) visa holder	Victim of trafficking	Other (please specify)
<b>Highly qualified worker (15)</b>	(13) AT, BE, BG, DE, ES, FI, FR, IE, IT, LV, NL, SI, UK	(12) AT, BE, BG, DE, FI, FR, IE, IT, LV, NL, SI, UK	(11) AT, BE, BG, DE, ES, IE, FR, IE, LV, NL, SI	(9) AT, BE, DE, ES, FI, FR, LV, NL, SI	Does not exist in : CZ, EE, HR, HU, LT, LU, PL, SE, SK	(11) AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI	(10) AT, BE, DE, ES, FI, FR, FR, LV, NL, SI	(7) BG, DE, ES, FR, IE, LV, UK	(4) AT, CY, LV, SI	(2) AT, LV	(8) BG, CY, ES, FR, IE, LV, NL, UK	(1) LV	(9) BE, CY, DE, ES, FI, FR, , LV, NL, SI	(5) BE**, CY*, DE*, ES, SI*
<b>Employee (24)</b>	(24) AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK	(21) AT, BE, BG, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK	(21) AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LV, LU, NL, PL, SE, SI, SK	(17) AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LV, LU, NL, PL, SK	(11) AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI		(17) AT, BE, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, SE, SI, SK	(13) BG, CZ, DE, EE, ES, FR, HU, IE, LT, LV, PL, SK, UK	(5) CZ, HR, LV, SI, SK	(7) AT, CZ, HR, LT, LV, PL, SK	(10) BG, EL, ES, FR, HR, HU, IE, LV, NL, UK	(2) LT, LV	(18) BE, CZ, DE, EE, EL, ES, FI FR, HR, HU, LT, LU, LV, NL, PL, SE, SI, SK	(9) BE**, CY*, CZ*, DE*, EL*, ES, LU*, PL*, SI*
<b>Self- employed (21)</b>	(19) AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK	(18) AT, BE, BG, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK	(18) AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, NL, SE SI, SK	(16) AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LU, LV, NL, SI, SK	(11) AT, BE, CY, DE, ES, FI, FR, IE, LV, NL, SI	(20) AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, SE, SI, SK	Does not exist in : LT, PL, UK	(9) BG, CZ, DE, EE, ES, FR, HU, IE, LV	(6) CZ, CY, HR, LV, SI, SK	(5) AT, CZ, HR, LV, SK	(9) BG,CY, ES, FR, HR, HU, IE, LV, NL	(1) LV	(16) BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, LU, LV, NL, SE, SI, SK	(7) BE**, CY*, CZ*, DE*, ES, LU*, SI*
<b>Business owner (17)</b>	(16) BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LV, PL, SK, UK	(14) BG, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LT, LV, PL, SK	(14) BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LV, PL, SK	(10) CZ, DE, EE, ES, FR, HR, HU, LV, PL, SK	(6) DE, ES, FR, IE, LV, UK	(13) CZ, DE, EE, ES, FR, HR, HU, IE, LT, LV, PL, SK, UK	(9) CZ, DE, EE, ES, FR, HR, HU, IE, LV	Does not exist in: AT, BE, FI, LU, NL, SE, SI	(4) CZ, HR, LV, SK	(6) CZ, HR, LT, LV, PL, SK	(8) BG, ES, FR, HR, HU, IE, LV, UK	(2) LT, LV	(12) CZ, DE, EE, ES, FR, HR, HU, LT, LV, PL, SE, SK	(4) CZ*, DE*, ES, PL*
<b>Seasonal worker (15)</b>	(10) CZ, DE, EL, ES, FR, HR, HU, IT, SI, LV	(6) CZ, DE, HR, IT, LV, SI	(6) CZ, DE, HR, HU, LV, SI	(4) CZ, HR, LV, SI	(4) CY, DE, LV, SI	(6) CY, DE, HR, IT, LV, SI	(4) DE, HR, LV, SI	(2) DE, LV	Does not exist in: BE, BG, EE, FI, IE, LU, PL, SE, UK	(3) CZ, HR, LV	(5) BG, CY, HR, HU, LV	(1) LV	(10) CY, CZ, DE, EL, ES, HR, HU, LV, SI, SK	(5) CY*, CZ*, DE*, EL*, SI*
<b>ICT (16)</b>	(15) AT, CZ, DE, EL, ES, FR, HR, IE, IT, LT, LV, PL, SI, SK, UK	(10) AT, CZ, HR, IT, LT LV, PL, SI, SK, UK	(9) AT, CZ, ES, HR, LT, LV, PL, SI, SK	(8) AT, CZ, ES, HR, LV, PL, <sup>132</sup> SI, SK	(5) AT, ES, IE, LV, SI	(10) AT, CZ, HR, ES, IE, LT, LV, PL, SI, SK	(7) AT, CZ, ES, HR, LV, SI, SK	(7) CZ, ES, LT, LV, PL, SK, UK	(4) CZ, HR, LV, SK	Does not exist in: BE, BG, EE, FI, HU, LU, NL, SE	(4) ES, HR, LV, UK	(2) LT, LV	(9) CZ, DE, ES, HR, LT, LV, PL, SI, SK	(5) CZ*, DE*, EL*, ES, PL*

<sup>132</sup> With exceptions

Into From	Family	Education	Research	Blue Card	Highly qualified worker	Employee <sup>130</sup>	Self- employed	Business owner	Seasonal worker	ICT	Investor	Long-stay (D-type) visa holder	Victim of trafficking	Other (please specify)
<b>Investor (13)</b>	(12) BG, CY, EL, ES, FR, HR, HU, IE, IT, LV, NL, UK	(8) BG, CY, FR, IE, HR, HU, LV, NL	(9) BG, CY, ES, FR, HR, HU, IE, LV, NL	(6) ES, FR, HR, HU, LV, NL	(8) BG, CY, ES, FR, IE, LV, NL, UK	(9) CY, ES, FR, HR, HU, IE, LV, NL, UK	(8) CY, ES, FR, HR, HU, IE, LV, NL	(8) BG, ES, FR, HR, HU, IE, LV, UK	(3) CY, HR, LV	(2) HR, LV	Does not exist in: AT, BE, CZ, DE, EE, FI, LT, LU, PL, SE, SK	(1) LV	(7) CY, ES, FR, HR, HU, LV, NL	(2) EL*, ES
<b>Long-stay (D-type) visa holder (22)</b>	(13) BG, DE, EE*, EL, ES, FR, HU, IT, LT, LU, PL, SI, SK	(9) BG, DE, EE*, FR, LT, LU, PL, SI, SK	(11) BG, DE, EE*, FR, HU, LT, LU, LV, PL, SI, SK	(8) DE, EE*, FR, LU, LV, PL, SI, SK <sup>133</sup>	(3) DE, FR, SI	(9) DE, EE*, FR, LT, LU, PL, SI, SE, SK	(4) DE, FR, LU, SI, SK	(9) BG, DE, EE*, ES, FR, LT, LV, PL, SK	(3) DE, SI, SK	(4) DE, LT, PL, SK	(5) BG, ES, FR, HU, LV	Does not exist in: IE, UK	(13) BE, DE, EE, ES, FR, HU, LT, LU, LV, PL, SE, SI, SK	(6) BE**, CZ*, DE*, ES, LU*, PL*
<b>Asylum applicant (24)</b>	(11) DE, EE, ES, FI, HU, IT, LT, LV, SI, SE, UK	(5) DE**, EE, LT, LV, NL*, SI	(7) DE**, EE, ES, FI, HU, LT, LV	(4) EE, ES, FI, LV	(4) DE**, ES, FI, LV	(7) DE**, EE, ES, FI, IT, LV, SE	(5) EE, ES, FI, IT, LV	(4) EE, ES, LT, LV	(1) LV	(2) LT, LV	(2) ES, LV	(2) LT, LV	(14) AT, BE, CY, CZ, DE, EE, ES, FI, HU, LT, LU, LV, PL, SE	(5) BE**, CZ*, DE*, ES, SI*
<b>Victim of trafficking (23)</b>	(19) BE, BG, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SE, SI, SK	(18) BE, BG, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SE, SK	(17) BE, BG, CZ, DE, EE, EL, FI, FR, HR, HU, IE, LT, LV, NL, PL, SI, SK	(12) BE, CZ, EE, EL, FI, FR, HR, HU, LV, NL, PL, SI	(8) BE, DE, FI, FR, IE, LV, NL, SI	(18) AT, BE, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, NL, PL, SI, SK	(13) AT, BE, CZ, EE, FI, FR, HR, HU, IE, LV, NL, SI, SK	(12) BG, CZ, EE, FR, HR, HU, IE, LT, LV, PL, SI, SK	(4) CZ, HR, LV, SK	(6) CZ, HR, IE, LT, LV, PL	(9) BG, CY, EL, FR, HR, HU, IE, LV, NL	(3) BE, LT, LV	Does not exist in : UK	(8) BE**, CY*, CZ*, DE*, EL*, LU*, PL*, SI*
<b>Other (please specify)</b>	(7) AT*, AT**, BE*, CY*, CZ*, DE*, LU*, SI*	(7) AT**, BE*, CZ*, DE*, EL*, LU*, SI*	(7) AT**, BE*, CZ*, DE*, EL*, LU*, SI*	(6) AT**, BE*, CZ*, EL*, LU*, SI*	(4) AT**, BE*, DE*, SI*	(7) AT**, AT**, BE*, CZ*, DE*, EL*, LU*, SI*	(6) AT**, AT**, BE*, CZ*, EL*, LU*, SI*	(1) CZ*	(3) AT**, CZ*, SI*	(2) AT**, CZ*	(2) CY*, EL*	(3) AT**, BE*, CZ*	(8) AT**, BE**, CZ*, DE*, EL*, LU*, PL*, SI*	

Note: The table reads as: changes from status into status (from left to right)

Countries are organised in an alphabetical order by acronyms and not full country names. Highest number of Member States with changes allowed per category (from->into) are highlighted in light yellow. Changes allowed by 15 Member States and more are highlighted in light green.

Although some statuses do not exist as a separate status (e.g., business owner in BE, SE) third-country nationals can obtain residency through other existing schemes (e.g., in Sweden and Estonia 'Highly qualified worker', 'ICT' and 'Seasonal worker' (SE) are all sub-groups under 'employees'). For consistency reasons such information is not reflected in the table above.

Other:

AT\*: temporary residence permit – provider of social services; AT\*\* - tolerated stay; AT\*\*\* - humanitarian residence titles

<sup>133</sup> Does not apply in case the visa was granted in order to fulfil the obligations of the Slovak Republic arising from international treaties

BE\*: retirement visa; BE\*\*\*: pending humanitarian and medical regularisations; retirement visa

CZ\*: tolerated stay

CY\*: visitor

DE\*: tolerated stay (suspended deportation); DE\*\*\*: In case of asylum applicants only in exceptional cases with the approval of the supreme state authority

EE\*: in some cases the change is possible.

EL\*: humanitarian reasons

LU\*: authorisation of stay for private reasons, authorisation of stay for athletes, authorisation of stay for exceptional reasons and authorisation of stay for beneficiaries of medical treatment

NL\*: For asylum seekers still awaiting a decision as well as those who have exhausted all legal means, the possibilities are restricted to continue their stay for reasons other than asylum. In incidental cases, if nominated by the University Assistance Fund (UAF)<sup>134</sup> asylum seekers can make use of the Highly Qualified Migrants Scheme.

PL\*: national forms of protection

SI\*: alien of Slovenian origin, Victim of illegal employment

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<sup>134</sup> The UAF supports highly qualified refugees in accomplishing a suitable station in life. They supervise them in their study and in finding a job which corresponds to their capabilities. [www.uaf.nl](http://www.uaf.nl)

**Table A2.2 Share of legal possibilities for changing status in Member States out of total number of countries with each migration status**

From \ To	Family	Education	Research	Blue card	Highly qualified worker	Employee	Self-employed	Business owner	Seasonal worker	ICT	Investor	Long-stay (D-type) visa holder	Victim of trafficking
Family		88%	91%	77%	60%	88%	86%	71%	40%	50%	69%	9%	78%
Education	96%		87%	82%	80%	96%	81%	76%	47%	44%	77%	9%	78%
Research	100%	87%		64%	73%	87%	86%	71%	40%	44%	69%	9%	78%
Blue card	95%	86%	86%		60%	82%	73%	65%	40%	44%	54%	5%	73%
Highly qualified worker	87%	80%	73%	60%		73%	67%	41%	27%	13%	62%	7%	60%
Employee	100%	88%	91%	77%	73%		81%	76%	33%	44%	77%	9%	78%
Self-employed	90%	86%	86%	73%	73%	95%		53%	40%	31%	69%	5%	76%
Business owner	94%	82%	82%	59%	35%	76%	53%		27%	38%	62%	12%	71%
Seasonal worker	67%	40%	40%	27%	27%	40%	27%	13%		20%	38%	7%	67%
ICT	94%	63%	56%	50%	31%	63%	44%	44%	27%		31%	13%	56%
Investor	92%	62%	69%	46%	62%	69%	62%	62%	23%	15%		8%	54%
Long-stay (D-type) visa holder	59%	41%	50%	36%	20%	41%	18%	53%	20%	25%	38%		59%
Asylum	46%	21%	29%	18%	27%	29%	24%	24%	7%	13%	15%	9%	61%
Victim of trafficking	83%	78%	74%	55%	53%	78%	62%	71%	27%	38%	69%	14%	

Note: The table reads as changes from status into status (from left to right). The share is calculated as: number of legal possibilities out of total number of Member States with the status available. It reads as: 60% of all Member States that have family and highly qualified status allow changes from family into highly qualified worker (see table A2.1 for absolute numbers)

## Annex 3 Common admission criteria

**Table A3.1** Overview of common admission criteria

Status	Common criteria	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	NL	PL	SE	SI	SK	UK <sup>135</sup>	
Family	Health insurance	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓ <sup>136</sup>	✓	✓	✓	✓	✓	✓			✓		
	Sufficient financial means	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Extract of the criminal record	✓	✓		✓	✓					✓	✓					✓	✓	✓	✓				✓		
	Place of residence	✓	✓	✓		✓	✓	✓	✓	✓			✓		✓	✓	✓	✓	✓	✓	✓	✓			✓	✓
	Fee		✓			✓		✓	✓	✓	✓		✓	✓			✓	✓	✓	✓	✓	✓			✓	✓
Education	Health insurance	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				
	Sufficient financial means	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Extract of the criminal record	✓	✓		✓	✓				✓	✓ <sup>137</sup>	✓					✓	✓	✓	✓				✓ <sup>138</sup>		
	Place of residence	✓	✓	✓	✓	✓		✓				✓		✓		✓	✓	✓	✓		✓ <sup>139</sup>			✓		
	Fee		✓		✓	✓		✓	✓	✓	✓			✓	✓		✓	✓	✓	✓	✓	✓			✓	✓
Research (scientific activity)	Health insurance		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓			✓		
	Sufficient financial means			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓			✓		
	Extract of the criminal record	✓	✓	✓	✓	✓				✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		
	Place of residence	✓	✓	✓				✓			✓	✓		✓		✓	✓	✓	✓							
	Fee		✓			✓		✓			✓	✓		✓	✓	✓ <sup>140</sup>	✓	✓	✓	✓	✓	✓				
Blue Card	Health insurance	✓	✓				✓	✓	✓	✓		✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓		
	Sufficient financial means	✓	✓			✓	✓	✓		✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓		
	Extract of the criminal record	✓	✓	✓		✓			✓	✓	✓					✓	✓	✓	✓	✓				✓		
	Place of residence	✓	✓			✓		✓			✓	✓		✓		✓	✓	✓	✓						✓	
	Fee		✓			✓		✓		✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓			✓	
Highly qualified worker	Health insurance	✓	✓		✓		✓		✓	✓		✓				✓			✓	✓						
	Sufficient financial means	✓	✓				✓			✓	✓	✓			✓	✓			✓	✓					✓	
	Extract of the criminal record	✓	✓		✓				✓	✓	✓					✓			✓	✓						
	Place of residence	✓	✓		✓							✓				✓			✓							

<sup>135</sup> The UK currently requires an overseas [criminal records certificate](#) for Business Owner (Tier 1 (Entrepreneur)) and Investor (Tier 1 (Investor)) applications. These routes are being used to pilot the requirement; Applicants in all routes need to declare any criminal convictions in their application, and The Home Office will carry out their own checks. The UK does not require [health insurance](#), but does require all migrants applying for a visa longer than six months to pay the Immigration Health Surcharge to contribute towards the cost of the National Health Service

<sup>136</sup> In Ireland, health insurance is not a general requirement for this status. However, there is an exception whereby health insurance is required for elderly dependent relatives.

<sup>137</sup> For more than six months visa

<sup>138</sup> Except for a secondary school pupil

<sup>139</sup> With exceptions

<sup>140</sup> Includes application and registration fees

Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States’ approaches

Status	Common criteria	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	NL	PL	SE	SI	SK	UK <sup>135</sup>
Employee	Fee		✓							✓	✓				✓ <sup>141</sup>	✓			✓	✓					✓
	Health insurance	✓	✓		✓		✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				
	Sufficient financial means	✓	✓				✓	✓			✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓
	Extract of the criminal record	✓	✓		✓	✓				✓	✓					✓	✓	✓	✓	✓	✓			✓	
	Place of residence	✓	✓		✓	✓			✓			✓		✓	✓	✓	✓	✓	✓	✓	✓			✓	
Self-employed	Fee		✓			✓		✓		✓	✓		✓	✓	✓ <sup>142</sup>	✓	✓	✓	✓	✓	✓	✓		✓	✓
	Health insurance	✓	✓			✓	✓	✓			✓	✓	✓	✓	✓	✓		✓	✓	✓				✓	
	Sufficient financial means	✓	✓ <sup>143</sup>			✓	✓	✓			✓	✓	✓	✓	✓	✓		✓	✓	✓		✓		✓	
	Extract of the criminal record	✓	✓			✓				✓	✓	✓			✓	✓		✓	✓	✓				✓	
	Place of residence	✓	✓	✓		✓		✓			✓		✓	✓		✓		✓	✓					✓	
Business owner	Fee		✓			✓		✓		✓			✓	✓	✓ <sup>144</sup>			✓	✓	✓		✓		✓	
	Health insurance			✓		✓	✓	✓		✓		✓	✓	✓		✓	✓		✓	✓				✓	
	Sufficient financial means			✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	✓		✓	✓				✓	✓
	Extract of the criminal record					✓				✓		✓			✓		✓		✓	✓				✓	✓
	Place of residence			✓		✓		✓				✓		✓			✓		✓	✓				✓	
Seasonal worker	Fee					✓		✓		✓			✓	✓		✓	✓		✓	✓				✓	
	Health insurance				✓		✓					✓	✓	✓		✓	✓		✓	✓			✓		
	Sufficient financial means						✓					✓	✓	✓		✓	✓		✓	✓				✓	
	Extract of the criminal record				✓	✓				✓									✓	✓				✓	
	Place of residence				✓	✓				✓		✓		✓			✓		✓	✓				✓	
ICT	Health insurance	✓					✓		✓	✓		✓	✓		✓	✓	✓		✓	✓					
	Sufficient financial means	✓					✓			✓		✓	✓		✓		✓		✓	✓				✓	✓
	Extract of the criminal record	✓				✓				✓									✓	✓				✓	
	Place of residence	✓				✓						✓			✓	✓	✓		✓	✓				✓	
	Fee					✓				✓			✓		✓ <sup>145</sup>	✓	✓		✓	✓				✓	✓
Investor	Health insurance									✓		✓	✓	✓					✓	✓					
	Sufficient financial means									✓		✓	✓	✓					✓	✓					✓
	Extract of the criminal record									✓		✓			✓	✓			✓	✓					✓

<sup>141</sup> Includes application and registration fees

<sup>142</sup> Includes application and registration fees

<sup>143</sup> In Belgium, while the applicant must provide evidence of 'sufficient' income, there is no legally set threshold

<sup>144</sup> Includes application and registration fees

<sup>145</sup> Includes application and registration fees



Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States’ approaches

Status	Common criteria	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	NL	PL	SE	SI	SK	UK <sup>135</sup>	
	Place of residence											✓		✓		✓			✓							
	Fee									✓			✓	✓	✓ <sup>146</sup>	✓			✓	✓						✓
Long-stay (D-type) visa holder	Health insurance	✓				✓	✓	✓		✓		✓		✓			✓		✓	✓	✓	✓	✓	✓	✓	
	Sufficient financial means	✓				✓	✓	✓		✓		✓		✓			✓		✓	✓	✓ <sup>147</sup>	✓	✓	✓	✓	
	Extract of the criminal record					✓				✓			✓				✓			✓	✓ <sup>148</sup>					
	Place of residence/ accommodation					✓		✓				✓		✓		✓	✓		✓	✓	✓ <sup>149</sup>			✓		
	Fee					✓		✓		✓			✓	✓			✓	✓	✓	✓	✓ <sup>150</sup>	✓		✓		

Note: light grey means that specific migration status does not exist in a Member State

<sup>146</sup> Includes application and registration fees

<sup>147</sup> With exceptions

<sup>148</sup> With exceptions

<sup>149</sup> With exceptions

<sup>150</sup> With exceptions

## Annex 4 Statistics

**Table A4.1 All valid residence permits by reason on 31 December and a share of those issued per reason out of total in Member State (2010-2014)**

Member State	Reason	Number of valid residence permits					Share per reason out of total in Member State, %				
		2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
Austria	Education	13,810	15,283	16,955	17,960	19,538	3%	3%	3%	4%	5%
	Family	61,577	68,059	75,054	77,124	72,018	13%	14%	15%	17%	17%
	Other	382,090	387,515	395,161	348,981	329,813	83%	81%	80%	77%	77%
	Refugee	:	0	:	:	:	:	0%	:	:	:
	Remunerated act.	5,630	6,240	6,001	6,345	6,554	1%	1%	1%	1%	2%
	Subsidiary prot.	:	0	:	:	:	:	0%	:	:	:
	Total	463,107	477,097	493,171	450,410	427,923					
Belgium	Education	10,929	10,698	11,023	11,541	12,104	3%	3%	3%	3%	3%
	Family	160,286	173,994	178,169	182,672	193,521	49%	51%	52%	54%	55%
	Other	112,455	111,496	100,478	91,421	86,078	35%	33%	30%	27%	24%
	Refugee	11,192	14,199	16,634	18,533	23,044	3%	4%	5%	5%	7%
	Remunerated act.	27,596	28,484	28,572	27,956	28,565	8%	8%	8%	8%	8%
	Subsidiary prot.	2,516	3,420	4,813	6,944	8,343	1%	1%	1%	2%	2%
	Total	324,974	342,291	339,689	339,067	351,655					
Bulgaria	Education	4,692	4,629	4,988	4,464	3,855	33%	33%	30%	24%	10%
	Family	4,560	4,885	5,413	5,830	13,389	32%	35%	32%	31%	34%
	Other	4,707	3,898	5,650	7,575	21,817	33%	28%	34%	41%	55%
	Refugee	:	0	0	0	0	:	0%	0%	0%	0%
	Remunerated act.	282	746	694	734	608	2%	5%	4%	4%	2%
	Subsidiary prot.	:	0	0	0	0	:	0%	0%	0%	0%
	Total	14,241	14,158	16,745	18,603	39,669					
Croatia	Education	:	:	:	348	593	:	:	:	3%	5%
	Family	:	:	:	8,174	8,349	:	:	:	67%	73%
	Other	:	:	:	992	664	:	:	:	8%	6%
	Refugee	:	:	:	32	15	:	:	:	0%	0%
	Remunerated act.	:	:	:	2,680	1,816	:	:	:	22%	16%
	Subsidiary prot.	:	:	:	33	11	:	:	:	0%	0%
	Total	:	:	:	12,259	11,448					
Cyprus	Education	16,907	14,923	:	3,352	2,943	15%	13%	:	6%	6%

## Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States' approaches

Member State	Reason	Number of valid residence permits					Share per reason out of total in Member State, %				
		2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
	Family	2,888	6,819	:	8,027	13,118	3%	6%	:	14%	28%
	Other	19,844	10,682	:	10,222	5,469	18%	9%	:	18%	12%
	Refugee	:	0	:	0	197	:	0%	:	0%	0%
	Remunerated act.	72,309	80,387	:	34,527	24,201	65%	71%	:	62%	51%
	Subsidiary prot.	:	0	:	0	1,147	:	0%	:	0%	2%
	Total	111,948	112,811	:	56,128	47,075					
Czech Republic	Education	8,330	9,807	11,006	13,573	15,596	3%	3%	4%	5%	6%
	Family	88,005	90,156	90,423	95,229	96,887	33%	32%	35%	35%	35%
	Other	74,798	79,642	90,683	103,410	108,222	28%	28%	35%	38%	39%
	Refugee	:	1,637	1,137	1,507	1,498	:	1%	0%	1%	1%
	Remunerated act.	95,663	101,064	67,697	60,514	57,500	36%	36%	26%	22%	20%
	Subsidiary prot.	:	592	634	842	1,059	:	0%	0%	0%	0%
	Total	266,796	282,898	261,580	275,075	280,762					
Estonia	Education	528	602	759	649	1,373	0%	0%	0%	0%	1%
	Family	5,889	6,386	6,499	6,610	7,018	3%	3%	3%	3%	4%
	Other	200,129	195,658	191,528	188,163	183,800	96%	95%	95%	95%	94%
	Refugee	21	27	39	45	58	0%	0%	0%	0%	0%
	Remunerated act.	2,486	3,255	3,059	2,387	2,693	1%	2%	2%	1%	1%
	Subsidiary prot.	6	10	11	11	9	0%	0%	0%	0%	0%
	Total	209,059	205,938	201,895	197,865	194,951					
Finland	Education	7,730	2,284	2,830	9,643	9,664	6%	2%	2%	15%	11%
	Family	55,254	959	1,154	33,951	36,459	45%	1%	1%	54%	40%
	Other	48,567	114,689	118,947	4,594	30,553	40%	96%	96%	7%	33%
	Refugee	:	:	:	:	:	:	:	:	:	:
	Remunerated act.	10,557	1,147	1,365	15,046	15,251	9%	1%	1%	24%	17%
	Subsidiary prot.	:	:	:	:	:	:	:	:	:	:
	Total	122,108	119,079	124,296	63,234	91,927					
France	Education	110,075	143,211	144,549	145,352	145,377	5%	6%	6%	6%	6%
	Family	909,824	933,042	961,762	984,234	1,023,458	40%	39%	39%	39%	40%
	Other	1,079,668	1,080,364	1,117,797	1,156,023	1,169,484	47%	46%	46%	46%	45%
	Refugee	108,996	113,588	120,613	126,433	133,316	5%	5%	5%	5%	5%
	Remunerated act.	80,681	86,782	91,882	90,602	94,419	4%	4%	4%	4%	4%

## Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States' approaches

Member State	Reason	Number of valid residence permits					Share per reason out of total in Member State, %				
		2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
	Subsidiary prot.	4,802	6,014	7,823	9,635	11,135	0%	0%	0%	0%	0%
	Total	2,294,046	2,363,001	2,444,426	2,512,279	2,577,189					
Germany	Education	118,356	104,820	115,692	126,563	141,063	3%	3%	3%	4%	4%
	Family	1,368,389	1,460,107	1,523,286	1,494,354	1,535,898	37%	40%	41%	42%	42%
	Other	2,066,771	1,931,763	1,886,840	1,681,905	1,666,002	55%	52%	50%	47%	46%
	Refugee	95,209	95,822	100,406	106,779	143,623	3%	3%	3%	3%	4%
	Remunerated act.	69,792	73,731	84,985	90,455	102,104	2%	2%	2%	3%	3%
	Subsidiary prot.	25,414	25,911	34,397	42,888	35,117	1%	1%	1%	1%	1%
	Total	3,743,931	3,692,154	3,745,606	3,542,944	3,623,807					
Greece	Education	6,422	7,210	7,199	7,595	:	1%	1%	1%	1%	:
	Family	237,341	258,971	230,920	243,317	:	45%	47%	48%	48%	:
	Other	92,907	93,689	136,795	159,778	:	18%	17%	28%	31%	:
	Refugee	:	0	0	0	:	:	0%	0%	0%	:
	Remunerated act.	187,545	189,734	110,405	99,079	:	36%	35%	23%	19%	:
	Subsidiary prot.	:	0	0	0	:	:	0%	0%	0%	:
	Total	524,215	549,604	485,319	509,769	:					
Hungary	Education	8,346	8,352	8,454	4,045	10,522	9%	9%	11%	6%	26%
	Family	18,113	18,862	17,044	17,225	9,102	20%	21%	22%	26%	23%
	Other	47,006	45,825	35,236	39,903	20,350	52%	51%	46%	60%	51%
	Refugee	1,806	1,521	1,528	0	0	2%	2%	2%	0%	0%
	Remunerated act.	15,818	15,512	14,246	5,206	111	17%	17%	18%	8%	0%
	Subsidiary prot.	0	369	715	0	0	0%	0%	1%	0%	0%
	Total	91,089	90,441	77,223	66,379	40,085					
Ireland	Education	36,798	35,493	35,028	38,959	41,225	28%	28%	29%	36%	39%
	Family	20,085	21,906	22,836	22,451	23,134	15%	17%	19%	21%	22%
	Other	39,513	38,724	39,929	28,708	24,213	30%	30%	33%	27%	23%
	Refugee	3,119	2,241	1,963	971	876	2%	2%	2%	1%	1%
	Remunerated act.	33,682	29,693	20,461	16,256	15,831	25%	23%	17%	15%	15%
	Subsidiary prot.	35	47	64	90	290	0%	0%	0%	0%	0%
	Total	133,232	128,104	120,281	107,435	105,569					
Italy	Education	39,803	49,014	50,876	52,304	53,053	1%	1%	1%	1%	1%
	Family	1,594,841	1,400,385	1,486,457	1,971,972	2,030,432	45%	38%	39%	51%	51%

## Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States' approaches

Member State	Reason	Number of valid residence permits					Share per reason out of total in Member State, %				
		2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
	Other	61,635	83,409	81,597	80,124	85,959	2%	2%	2%	2%	2%
	Refugee	16,885	18,573	20,932	18,147	20,196	0%	1%	1%	0%	1%
	Remunerated act.	1,783,561	2,065,527	2,109,046	1,732,543	1,720,354	51%	57%	56%	45%	44%
	Subsidiary prot.	28,861	21,393	25,705	30,407	33,265	1%	1%	1%	1%	1%
	Total	3,525,586	3,638,301	3,774,613	3,885,497	3,943,259					
Latvia	Education	483	705	1,096	1,443	1,948	0%	0%	0%	0%	1%
	Family	11,939	12,752	14,054	16,899	20,505	3%	3%	4%	5%	6%
	Other	358,432	349,874	335,268	324,021	312,157	96%	96%	95%	94%	93%
	Refugee	25	83	43	52	54	0%	0%	0%	0%	0%
	Remunerated act.	1,291	1,315	1,519	1,780	2,053	0%	0%	0%	1%	1%
	Subsidiary prot.	38	0	66	80	88	0%	0%	0%	0%	0%
	Total	372,208	364,729	352,046	344,275	336,805					
Lithuania	Education	1,088	952	996	1,255	1,454	4%	3%	3%	4%	4%
	Family	5,102	1,848	5,127	5,254	5,938	18%	6%	17%	17%	17%
	Other	18,888	25,836	18,639	18,312	18,249	68%	88%	62%	58%	51%
	Refugee	44	39	43	47	57	0%	0%	0%	0%	0%
	Remunerated act.	2,616	637	5,061	6,704	9,959	9%	2%	17%	21%	28%
	Subsidiary prot.	76	81	102	122	135	0%	0%	0%	0%	0%
	Total	27,814	29,393	29,968	31,694	35,792					
Luxembourg	Education	246	439	415	446	489	1%	2%	1%	1%	2%
	Family	13,635	15,157	16,332	16,441	17,635	59%	59%	59%	55%	55%
	Other	2,921	3,952	5,583	7,215	7,650	13%	15%	20%	24%	24%
	Refugee	386	567	752	937	1,125	2%	2%	3%	3%	4%
	Remunerated act.	5,737	5,600	4,828	4,834	4,937	25%	22%	17%	16%	16%
	Subsidiary prot.	0	0	0	0	0	0%	0%	0%	0%	0%
	Total	22,925	25,715	27,910	29,873	31,836					
Malta	Education	367	382	425	1,779	2,911	7%	7%	6%	18%	21%
	Family	531	464	334	3,112	3,501	11%	8%	5%	32%	25%
	Other	2,004	2,306	3,113	1,795	2,798	40%	40%	47%	18%	20%
	Refugee	:	:	:	:	:	:	:	:	:	:
	Remunerated act.	2,065	2,631	2,757	3,130	4,588	42%	45%	42%	32%	33%
	Subsidiary prot.	:	:	:	:	:	:	:	:	:	:

## Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States' approaches

Member State	Reason	Number of valid residence permits					Share per reason out of total in Member State, %				
		2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
	Total	4,967	5,783	6,629	9,816	13,798					
Netherlands	Education	17,841	17,960	18,340	21,220	:	5%	6%	6%	6%	:
	Family	159,551	164,392	150,408	144,184	:	43%	51%	50%	41%	:
	Other	133,495	72,268	63,045	101,258	:	36%	22%	21%	29%	:
	Refugee	:	0	0	0	:	:	0%	0%	0%	:
	Remunerated act.	26,176	28,782	31,264	32,820	:	7%	9%	10%	9%	:
	Subsidiary prot.	33,459	37,886	36,884	51,062	:	9%	12%	12%	15%	:
	Total	370,522	321,288	299,941	350,544	:					
Poland	Education	12,901	8,080	13,478	22,094	30,701	10%	6%	6%	7%	8%
	Family	61,464	27,608	43,007	30,431	34,781	47%	19%	19%	10%	10%
	Other	23,614	42,910	34,155	129,252	144,710	18%	30%	15%	41%	40%
	Refugee	988	1,323	850	1,232	1,452	1%	1%	0%	0%	0%
	Remunerated act.	27,090	62,229	133,162	130,421	150,233	21%	43%	59%	41%	41%
	Subsidiary prot.	4,829	2,726	2,369	2,906	2,775	4%	2%	1%	1%	1%
	Total	130,886	144,876	227,021	316,336	364,652					
Portugal	Education	5,687	6,373	9,938	11,330	10,039	2%	2%	3%	4%	3%
	Family	19,955	18,840	27,380	37,024	49,191	6%	6%	9%	12%	17%
	Other	298,825	290,240	262,686	220,060	193,692	87%	88%	83%	73%	66%
	Refugee	184	241	318	332	253	0%	0%	0%	0%	0%
	Remunerated act.	17,571	13,404	15,888	31,616	41,001	5%	4%	5%	11%	14%
	Subsidiary prot.	161	227	322	440	577	0%	0%	0%	0%	0%
	Total	342,383	329,325	316,532	300,802	294,753					
Romania	Education	11,808	12,368	11,090	11,755	11,620	20%	20%	21%	21%	20%
	Family	27,526	28,369	23,888	24,020	26,441	46%	47%	45%	43%	46%
	Other	13,412	13,155	12,754	13,270	11,855	22%	22%	24%	24%	21%
	Refugee	147	212	697	970	1,252	0%	0%	1%	2%	2%
	Remunerated act.	7,485	6,592	5,009	4,814	5,415	12%	11%	9%	9%	9%
	Subsidiary prot.	24	34	210	690	934	0%	0%	0%	1%	2%
	Total	60,402	60,730	53,648	55,519	57,517					
Slovak Republic	Education	735	900	1,039	1,556	2,294	3%	4%	4%	6%	8%
	Family	5,959	7,122	8,991	9,056	10,276	25%	30%	36%	36%	36%
	Other	9,396	7,531	8,061	6,387	7,656	40%	32%	32%	26%	27%

## Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States' approaches

Member State	Reason	Number of valid residence permits					Share per reason out of total in Member State, %				
		2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
	Refugee	115	104	150	147	155	0%	0%	1%	1%	1%
	Remunerated act.	7,202	7,543	6,290	7,487	7,989	31%	32%	25%	30%	28%
	Subsidiary prot.	183	225	301	231	241	1%	1%	1%	1%	1%
	Total	23,590	23,425	24,832	24,864	28,611					
Slovenia	Education	1,290	1,722	1,678	1,892	1,220	2%	2%	2%	2%	1%
	Family	12,095	13,018	11,346	13,237	12,808	14%	15%	14%	13%	14%
	Other	41,893	46,927	48,625	66,967	68,481	49%	53%	60%	68%	73%
	Refugee	70	80	95	117	148	0%	0%	0%	0%	0%
	Remunerated act.	30,417	26,573	19,723	16,327	11,322	35%	30%	24%	17%	12%
	Subsidiary prot.	22	63	66	72	78	0%	0%	0%	0%	0%
	Total	85,787	88,383	81,533	98,612	94,057					
Spain	Education	44,582	49,359	40,455	42,228	46,461	2%	2%	1%	2%	2%
	Family	817,022	924,811	974,195	979,951	965,354	30%	33%	35%	36%	37%
	Other	1,311,475	1,335,500	1,367,298	1,379,202	1,347,920	49%	48%	49%	51%	52%
	Refugee	5,787	6,783	7,310	7,323	8,405	0%	0%	0%	0%	0%
	Remunerated act.	503,622	480,307	410,743	296,440	245,532	19%	17%	15%	11%	9%
	Subsidiary prot.	0	0	0	0	0	0%	0%	0%	0%	0%
	Total	2,682,488	2,796,760	2,800,001	2,705,144	2,613,672					
Sweden	Education	26,549	19,474	16,261	12,592	14,135	9%	6%	5%	4%	4%
	Family	160,871	171,084	183,630	189,123	204,886	52%	53%	55%	54%	53%
	Other	18,330	17,711	15,174	14,855	8,934	6%	6%	5%	4%	2%
	Refugee	12,633	14,848	19,055	26,599	37,479	4%	5%	6%	8%	10%
	Remunerated act.	14,522	20,620	25,930	25,496	26,229	5%	6%	8%	7%	7%
	Subsidiary prot.	79,090	76,538	73,119	80,730	96,711	25%	24%	22%	23%	25%
	Total	311,995	320,275	333,169	349,395	388,374					
United Kingdom	Education	:	:	540,463	538,701	513,294	:	:	33%	35%	34%
	Family	:	:	501,705	492,478	503,225	:	:	31%	32%	33%
	Other	:	:	115,834	122,371	121,073	:	:	7%	8%	8%
	Refugee	:	:	26,840	22,856	26,366	:	:	2%	1%	2%
	Remunerated act.	:	:	444,829	370,845	344,667	:	:	27%	24%	23%
	Subsidiary prot.	:	:	651	407	382	:	:	0%	0%	0%
	Total	:	:	1,630,322	1,547,658	1,509,007					

Member State	Reason	Number of valid residence permits					Share per reason out of total in Member State, %				
		2010	2011	2012	2013	2014	2010	2011	2012	2013	2014
EU 28	Education	506,303	525,116	1,065,087	1,104,639	1,093,472	3%	3%	6%	6%	6%
	Family	5,733,979	5,708,397	6,460,944	7,112,380	6,917,324	35%	33%	34%	39%	39%
	Other	6,824,909	6,877,082	7,046,070	6,544,737	5,977,599	41%	40%	37%	35%	34%
	Refugee	256,068	269,503	316,576	333,059	399,569	2%	2%	2%	2%	2%
	Remunerated act.	3,043,055	3,347,973	3,649,431	3,117,044	2,923,932	18%	20%	19%	17%	16%
	Subsidiary prot.	179,516	175,536	188,252	227,590	192,297	1%	1%	1%	1%	1%
	Total	16,543,830	17,127,735	18,954,151	18,439,449	17,753,707					

Source: Eurostat (migr\_resvalid), data extracted 21 March 2016

**Table A4.2** Number and share of applicants for international protection (2010-2015)

Member State	Number of applications						Share of applications out of EU 28, %					
	2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
EU 28	259,400	309,040	335,290	431,090	626,960	1,321,600						
Austria	11,045	14,420	17,415	17,500	28,035	88,160	4.3%	4.7%	5.2%	4.1%	4.5%	6.7%
Belgium	26,080	31,910	28,075	21,030	22,710	44,660	10.1%	10.3%	8.4%	4.9%	3.6%	3.4%
Bulgaria	1,025	890	1,385	7,145	11,080	20,365	0.4%	0.3%	0.4%	1.7%	1.8%	1.5%
Croatia	:	:	:	1,075	450	210	:	:	:	0.2%	0.1%	0.0%
Cyprus	2,875	1,770	1,635	1,255	1,745	2,265	1.1%	0.6%	0.5%	0.3%	0.3%	0.2%
Czech Republic	775	750	740	695	1,145	1,515	0.3%	0.2%	0.2%	0.2%	0.2%	0.1%
Estonia	35	65	75	95	155	230	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Finland	3,085	2,915	3,095	3,210	3,620	32,345	1.2%	0.9%	0.9%	0.7%	0.6%	2.4%
France	52,725	57,330	61,440	66,265	64,310	75,750	20.3%	18.6%	18.3%	15.4%	10.3%	5.7%
Germany	48,475	53,235	77,485	126,705	202,645	476,510	18.7%	17.2%	23.1%	29.4%	32.3%	36.1%
Greece	10,275	9,310	9,575	8,225	9,430	13,205	4.0%	3.0%	2.9%	1.9%	1.5%	1.0%
Hungary	2,095	1,690	2,155	18,895	42,775	177,135	0.8%	0.5%	0.6%	4.4%	6.8%	13.4%
Ireland	1,935	1,290	955	945	1,450	3,275	0.7%	0.4%	0.3%	0.2%	0.2%	0.2%
Italy	10,000	40,315	17,335	26,620	64,625	84,085	3.9%	13.0%	5.2%	6.2%	10.3%	6.4%
Latvia	65	340	205	195	375	330	0.0%	0.1%	0.1%	0.0%	0.1%	0.0%
Lithuania	495	525	645	400	440	315	0.2%	0.2%	0.2%	0.1%	0.1%	0.0%
Luxembourg	780	2,150	2,050	1,070	1,150	2,505	0.3%	0.7%	0.6%	0.2%	0.2%	0.2%
Malta	175	1,890	2,080	2,245	1,350	1,845	0.1%	0.6%	0.6%	0.5%	0.2%	0.1%
Netherlands	15,100	14,590	13,095	13,060	24,495	44,970	5.8%	4.7%	3.9%	3.0%	3.9%	3.4%
Poland	6,540	6,885	10,750	15,240	8,020	12,190	2.5%	2.2%	3.2%	3.5%	1.3%	0.9%



Member State	Number of applications						Share of applications out of EU 28, %					
	2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
<b>Portugal</b>	155	275	295	500	440	895	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%
<b>Romania</b>	885	1,720	2,510	1,495	1,545	1,260	0.3%	0.6%	0.7%	0.3%	0.2%	0.1%
<b>Slovakia</b>	540	490	730	440	330	330	0.2%	0.2%	0.2%	0.1%	0.1%	0.0%
<b>Slovenia</b>	240	355	295	270	385	275	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%
<b>Spain</b>	2,740	3,420	2,565	4,485	5,615	14,780	1.1%	1.1%	0.8%	1.0%	0.9%	1.1%
<b>Sweden</b>	31,850	29,650	43,855	54,270	81,180	162,450	12.3%	9.6%	13.1%	12.6%	12.9%	12.3%
<b>United Kingdom</b>	24,335	26,915	28,800	30,585	32,785	38,800	9.4%	8.7%	8.6%	7.1%	5.2%	2.9%

Source: Eurostat (migr\_asyappctza), data extracted 22 March 2016

**Table A4.3** Number and share of EU Blue Cards granted (2012-2014)

Member State	Number			Share out of EU total, %		
	2012	2013	2014	2012	2013	2014
<b>Total EU</b>	3,664	12,964	13,852			
<b>Austria</b>	124	108	128	3.4%	0.8%	0.9%
<b>Belgium</b>	0	5	19	0.0%	0.0%	0.1%
<b>Bulgaria</b>	15	14	21	0.4%	0.1%	0.2%
<b>Croatia</b>	:	10	7	:	0.1%	0.1%
<b>Cyprus</b>	0	0	0	0.0%	0.0%	0.0%
<b>Czech Republic</b>	62	72	104	1.7%	0.6%	0.8%
<b>Estonia</b>	16	12	15	0.4%	0.1%	0.1%
<b>Finland</b>	2	5	3	0.1%	0.0%	0.0%
<b>France</b>	126	371	597	3.4%	2.9%	4.3%
<b>Germany</b>	2,584	11,580	12,108	70.5%	89.3%	87.4%
<b>Greece</b>	0	:	:	0.0%	:	:
<b>Hungary</b>	1	4	5	0.0%	0.0%	0.0%
<b>Italy</b>	6	87	165	0.2%	0.7%	1.2%
<b>Latvia</b>	17	10	32	0.5%	0.1%	0.2%
<b>Lithuania</b>	:	26	92	:	0.2%	0.7%
<b>Luxembourg</b>	183	236	262	5.0%	1.8%	1.9%
<b>Malta</b>	0	4	2	0.0%	0.0%	0.0%
<b>Netherlands</b>	1	3	0	0.0%	0.0%	0.0%
<b>Poland</b>	2	16	46	0.1%	0.1%	0.3%
<b>Portugal</b>	2	4	3	0.1%	0.0%	0.0%
<b>Romania</b>	46	71	190	1.3%	0.5%	1.4%
<b>Slovenia</b>	9	3	8	0.2%	0.0%	0.1%
<b>Slovakia</b>	7	8	6	0.2%	0.1%	0.0%
<b>Spain</b>	461	313	39	12.6%	2.4%	0.3%
<b>Sweden</b>	0	2	0	0.0%	0.0%	0.0%

Source: Eurostat (migr\_resbc1), data extracted data extracted 22 March 2016

**Table A4.4 Issued skilled or highly skilled national labour permits (2010-2015)**

Member State	2010	2011	2012	2013	2014	2015	Comments
<b>Austria</b>	610	826	1,077	1,177	1,081		
<b>Belgium</b>	7,884	8,291	8,643	8,638	8,353		
<b>Bulgaria</b>	NA	2	15	25	45		
<b>Croatia</b>	290	808	1,195	1,089	454		
<b>Cyprus</b>	1,915	1,713	1,804	1,296	1,461		
<b>Germany</b>	NI	NI	50,409	42,180	43,531		The categories covered are: permits for qualified workers, qualified persons whose deportation has been suspended, qualified workers looking for a job, self-employed, professionals, settlement permits for graduates from DE universities and highly qualified persons
<b>Estonia</b>	941	1,430	835	863	1,237		Data of residence permits issued for employment and includes the following categories of migrants: employees, highly-qualified workers, ICTs, Blue Card holders, researchers
<b>Finland</b>	NA	883	747	991	1,153		
<b>Ireland</b>	7,714	5,200	4,007	3,863	5,495	7,253	Employment permits issued
<b>Latvia</b>	115	97	106	82	122		
<b>Lithuania</b>	1,808	3,327	4,627	5,036	5,382		Skilled workers only
<b>Luxembourg</b>	128	186	45	2	N/A (This permit no longer exists)		
<b>Poland</b>	14,962	16,609	16,268	13,726	18,023	32,147	Data includes the number of work permits issued to executives, advisers, experts and skilled workers. Foreigners who do not need a work permit to work are not included, so these data are an underestimation
<b>United Kingdom</b>	68,190	66,432	68,104	79,982	90,697		Tier 2 (visa category for skilled migrants with a job offer) visas are used to represent skilled workers. This includes Tier 2 General, Tier 2 Minister of Religion, Tier 2 Sports person and ICTs. Data is reported for visas issued outside the country. Data includes main applicants and dependants

Source: National Reports

FR does not appear in this table although different residence permits are issued to (highly) skilled workers ('EU Blue Card', 'employee', 'temporary worker', 'skills and talents', 'employee on assignment' and 'scientist-researcher'). Indeed, it is difficult to determine the level of qualifications for certain categories that meet different criteria, as the different residence permits are not issued for this unique reason and the AGDREF (Management Application for foreign national applications in France) (Application de gestion des dossiers des ressortissants étrangers en France) system does not make this criteria compulsory when recording the residence permit application.

**Table A4.5 Total number of victims of trafficking (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits (2010-2012)**

Member State	2010	2011	2012
Belgium	110	73	110
Croatia	1	1	2
Cyprus	52	40	37
Czech Republic	13	1	15
Estonia	NI	0	0
Finland	0	2	22
France	139	184	196
Germany	36	19	23
Greece	88	75	74
Hungary	0	0	0
Ireland	52	42	17
Italy	NI	NI	1,038
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Malta	0	0	0
Netherlands	372	417	400
Poland	0	5	17
Slovakia	0	0	0
Slovenia	1	2	2
Spain*		22	96

Source: Eurostat (2015) Trafficking in Human Beings, Table A12: Number of victims (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits  
 ES\*: national data

FR: these figures include first and renewal residence permit issued to these victims. Please note that figures from the FR ministry of the Interior are slightly different

**Table A4.6 Number of changes of immigration status permits by reason (2010-2014)**

		Into	AT	BE	BG	HR	CY	CZ	EE	FI	FR	DE	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SI	SK	ES	SE	UK
2010	Total		287	422	:	:	:	4,763	236	2,156	67,626	22,504	32,003	1,616	6,786	3,563	661	212	103	410	:	13,718	38,755	673	625	196	469,014	498	52,434
	Family	All	6	1	:	:	:	671	133	282	29,165	2,886	9,548	298	128	975	523	48	23	70	:	1,605	0	68	73	26	16,092	92	2,049
		E	0	0	:	:	:	73	0	15	98	166	121	34	45	61	3	10	9	3	:	543	0	17	18	5	86	7	109
		RA	2	1	:	:	:	170	20	54	630	207	890	221	41	695	15	29	10	11	:	1,042	0	31	54	14	4,427	48	111
		O	4	0	:	:	:	428	113	213	28,437	2,513	8,537	43	42	219	505	9	4	56	:	20	0	20	1	7	11,579	37	1,829
		All	178	403	:	:	:	647	37	845	14,017	9,884	636	526	1,803	126	5	57	2	32	:	2,710	388	281	134	22	2,529	224	45,035
	Education	F	62	8	:	:	:	175	9	164	4,468	4,608	61	17	874	51	3	29	2	0	:	541	0	211	84	7	1,217	115	5,224
		RA	98	42	:	:	:	440	27	265	8,824	4,951	329	260	333	46	1	25	0	0	:	777	388	62	48	10	1,287	107	38,878
		O	18	353	:	:	:	32	1	416	725	325	246	249	596	29	1	3	0	32	:	1,392	0	8	2	5	25	2	933
		All	62	15	:	:	:	2,540	44	319	8,508	3,828	18,279	165	3,196	577	89	99	66	179	:	428	37,299	173	371	98	413,867	172	5,166
	Remunerated activities	F	15	1	:	:	:	1,026	37	165	6,216	1,540	1,705	95	582	332	41	89	61	2	:	254	0	139	273	78	5,049	126	3,561
		E	42	0	:	:	:	19	3	38	339	2,014	69	13	242	25	1	8	4	0	:	138	0	11	16	1	22	44	1,120
		O	5	14	:	:	:	1,495	4	116	1,953	274	16,505	57	2,372	220	47	2	1	177	:	36	37,299	23	82	19	408,796	2	485
		All	41	3	:	:	:	905	22	710	15,396	5,906	3,540	627	1,659	1,885	44	8	12	129	:	8,975	1,068	151	47	50	36,526	10	184
	Other	F	36	1	:	:	:	496	10	236	13,280	5,659	263	75	563	991	37	5	10	20	:	2,877	0	108	6	28	28,674	10	76
		E	1	0	:	:	:	283	2	99	299	103	1,137	378	356	51	5	1	0	10	:	2,105	0	4	2	11	10	0	48
RA		4	2	:	:	:	126	10	375	1,817	144	2,140	174	740	843	2	2	2	99	:	3,993	1,068	39	39	11	7,842	0	60	
All		41	3	:	:	:	905	22	710	15,396	5,906	3,540	627	1,659	1,885	44	8	12	129	:	8,975	1,068	151	47	50	36,526	10	184	
2011	Total		541	:	:	:	3,760	170	4,734	81,310	32,069	17,537	1,336	4,979	5,353	753	115	335	373	:	17,317	37,128	600	653	190	141,357	685	62,946	
	Family	All	254	:	:	:	0	814	65	234	41,018	3,459	6,452	240	58	317	560	47	155	52	:	2,059	0	69	99	27	16,827	120	2,652
		E	1	:	:	:	0	60	4	39	119	232	129	21	12	43	6	13	14	0	:	643	0	11	23	3	99	6	53
		RA	4	:	:	:	0	67	11	177	651	307	281	181	15	157	23	26	22	12	:	516	0	39	73	19	4,187	73	165
		O	249	:	:	:	0	687	50	18	40,248	2,920	6,042	38	31	117	531	8	119	40	:	900	0	19	3	5	12,541	41	2,434
		All	183	:	:	:	0	241	35	2,049	14,803	15,170	826	428	1,752	1,065	33	42	2	23	:	2,349	466	241	165	40	3,461	238	54,069
	Education	F	61	:	:	:	0	156	12	421	4,379	6,533	52	15	941	210	23	6	2	0	:	1,453	0	185	86	13	1,770	125	5,459
		RA	107	:	:	:	0	59	21	1,606	9,431	8,198	339	194	376	825	3	35	0	6	:	34	466	46	78	22	1,651	107	46,894
		O	15	:	:	:	0	26	2	22	993	439	435	219	435	30	7	1	0	17	:	862	0	10	1	5	40	6	1,716
		All	58	:	:	:	0	2,611	49	538	9,576	5,398	6,043	174	1,724	338	100	25	140	137	:	10,222	35,771	159	319	77	93,585	302	6,093
	Remunerated activities	F	11	:	:	:	0	509	38	396	6,774	2,366	978	93	377	211	42	18	42	1	:	3,681	0	125	196	63	5,320	254	3,884
		E	40	:	:	:	0	3	5	116	334	2,645	84	21	186	15	1	3	11	2	:	5,722	0	2	11	3	18	42	1,499
		O	7	:	:	:	0	2,099	6	26	2,468	387	4,981	60	1,161	112	57	4	87	134	:	819	35,771	32	112	11	88,247	6	710
		All	46	:	:	:	0	94	21	1,913	15,913	8,042	4,216	494	1,445	3,633	60	1	38	161	:	2,687	891	131	70	46	27,484	25	132

## Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States' approaches

		Into	AT	BE	BG	HR	CY	CZ	EE	FI	FR	DE	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SI	SK	ES	SE	UK
		F	45	:	:	:	0	80	9	234	13,918	7,624	231	58	490	929	51	1	25	16	:	40	0	78	7	34	21,926	22	36
		E	0	:	:	:	0	10	3	76	260	147	1,610	294	223	36	3	0	0	33	:	2,374	0	3	0	3	25	1	59
		RA	1	:	:	:	0	4	9	1,603	1,735	271	2,375	142	732	2,668	6	0	13	112	:	273	891	50	63	9	5,533	2	37
	Total		595	:	0	:	:	10,870	189	3,129	86,651	27,695	54,001	1,208	4,782	6,791	654	57	941	480	:	16,764	26,162	487	614	121	148,478	2,143	51,944
2012	Family	All	220	:	0	:	0	1,253	66	506	44,771	3,826	12,189	245	45	955	489	12	434	25	:	3,676	0	32	75	21	23,053	1,036	1,136
		E	3	:	0	:	0	16	7	19	109	184	159	23	9	18	6	3	12	0	:	1,637	0	6	21	2	87	13	20
		RA	6	:	0	:	0	230	10	135	580	261	553	173	10	646	24	7	15	3	:	2,007	0	12	48	4	4,701	109	108
		O	211	:	0	:	0	1,007	49	352	44,082	3,381	11,477	49	26	291	459	2	407	22	:	32	0	14	6	15	18,265	914	1,008
	Education	All	167	:	0	:	0	458	39	1,500	16,935	10,206	872	403	1,863	71	40	39	5	21	:	7,392	10	160	194	14	3,342	211	44,127
		F	69	:	0	:	0	75	14	236	4,901	3,901	64	12	980	38	22	1	4	0	:	3,864	0	99	122	5	1,716	80	4,312
		RA	90	:	0	:	0	253	24	1,173	11,086	5,876	258	174	356	20	8	36	1	4	:	1,042	10	42	71	7	1,561	127	38,505
	Remunerated activities	O	8	:	0	:	0	130	1	91	948	429	550	217	527	13	10	2	0	17	:	2,486	0	19	1	2	65	4	1,310
		All	64	:	0	:	0	8,440	62	395	10,739	7,175	36,732	142	1,616	1,089	84	5	475	261	:	3,094	25,513	69	246	41	108,061	866	5,641
		F	13	:	0	:	0	838	50	251	7,633	1,531	3,029	66	310	171	28	3	54	6	:	358	0	61	158	18	4,353	325	3,528
		E	46	:	0	:	0	38	7	104	339	2,122	108	15	218	9	0	1	11	2	:	398	0	0	6	0	12	54	1,677
	Other	O	5	:	0	:	0	7,564	5	40	2,767	3,522	33,595	61	1,088	909	56	1	410	253	:	2,338	25,513	8	82	23	103,696	487	436
		All	144	:	0	:	0	719	22	728	14,206	6,488	4,208	418	1,258	4,676	41	1	27	173	:	2,602	639	226	99	45	14,022	30	1,040
		F	141	:	0	:	0	119	16	287	12,190	6,052	228	35	543	1,001	31	1	17	15	:	806	0	107	11	29	10,693	22	982
		E	0	:	0	:	0	487	1	21	381	128	1,809	257	203	57	3	0	0	36	:	756	0	29	0	5	7	2	33
		RA	3	:	0	:	0	113	5	420	1,635	308	2,171	126	512	3,618	7	0	10	122	:	1,040	639	90	88	11	3,322	6	25
2013	Total		145	:	0	352	:	15,056	204	2,561	94,347	27,944	23,364	829	3,902	3,250	1,035	:	712	1,999	:	7,895	26,264	280	559	417	142,359	3,239	27,192
	Family	All	2	:	0	68	:	1,699	63	313	50,110	4,173	6,497	136	50	673	555	:	367	591	:	1,318	0	36	90	68	16,080	1,865	578
		E	0	:	0	5	:	13	1	20	134	204	208	10	19	16	13	:	1	8	:	228	0	15	23	25	122	21	26
		RA	0	:	0	12	:	186	8	120	701	331	215	102	16	615	17	:	20	17	:	595	0	13	66	29	3,048	107	95
		O	2	:	0	51	:	1,500	54	173	49,275	3,638	6,074	24	15	42	525	:	346	566	:	495	0	8	1	14	12,910	1,737	457
	Education	All	87	:	0	50	:	781	45	1,532	16,010	11,190	1,130	270	1,691	154	63	:	6	42	:	2,109	493	97	130	64	3,383	140	12,779
		F	48	:	0	24	:	94	22	279	4,428	3,947	67	9	802	45	33	:	6	11	:	559	0	67	81	20	1,597	64	5,940
		RA	27	:	0	8	:	409	21	1,185	10,775	6,660	267	102	464	99	14	:	0	10	:	1,242	493	25	49	42	1,682	61	6,235
	Remunerated activities	O	12	:	0	18	:	278	2	68	807	583	796	159	425	10	16	:	0	21	:	308	0	5	0	2	104	15	604
		All	45	:	0	75	:	11,371	66	374	12,516	6,562	11,693	112	1,086	319	104	:	325	363	:	2,644	25,505	76	254	239	115,301	1,196	7,560
		F	3	:	0	58	:	589	59	257	8,936	1,601	1,658	44	211	99	33	:	29	47	:	774	0	49	138	90	3,658	343	4,898
		E	41	:	0	16	:	18	3	83	379	2,156	71	17	202	16	3	:	1	4	:	109	0	5	8	7	24	81	2,361
	O	1	:	0	1	:	10,764	4	34	3,201	2,805	9,964	51	673	204	68	:	295	312	:	1,761	25,505	22	108	142	111,619	772	301	

## Synthesis Report – Changes in immigration status and purpose of stay: an overview of EU Member States' approaches

		Into	AT	BE	BG	HR	CY	CZ	EE	FI	FR	DE	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SI	SK	ES	SE	UK
	Other	All	11	:	0	159	:	1,205	30	342	15,711	6,019	4,044	311	1,075	2,104	313	:	14	1,003	:	1,824	266	71	85	46	7,595	38	6,275
		F	4	:	0	143	:	245	23	151	13,434	5,563	218	24	517	582	302	:	10	537	:	1,106	0	41	4	35	6,266	32	6,239
		E	5	:	0	7	:	724	0	17	398	124	1,595	178	164	56	0	:	0	278	:	272	0	3	0	4	11	1	17
		RA	2	:	0	9	:	236	7	174	1,879	332	2,231	109	394	1,466	11	:	4	188	:	446	266	27	81	7	1,318	5	19
2014	Total	488	:	944	279	:	13,193	201	2,399	90,383	34,968	:	1,036	4,162	2,137	873	88	124	905	3,658	6,835	20,318	218	374	441	96,767	2,806	25,062	
	Family	All	172	:	293	40	:	2,011	66	327	37,158	10,269	:	169	76	658	556	0	49	365	262	1,538	0	19	91	79	19,737	1,716	409
		E	7	:	10	5	:	7	4	19	157	181	:	18	27	22	20	0	2	49	14	173	0	5	13	22	44	38	2
		RA	4	:	8	12	:	241	19	139	798	407	:	106	20	532	19	0	18	62	243	472	0	9	75	28	2,491	90	77
		O	161	:	275	23	:	1,763	43	169	36,203	9,681	:	45	29	104	517	0	29	254	5	893	0	5	3	29	17,202	1,588	330
	Education	All	214	:	319	28	:	1,211	61	1,426	19,843	12,150	:	321	2,018	210	62	61	8	178	2,389	1,975	12	89	137	119	3,914	176	11,677
		F	78	:	58	16	:	146	23	272	4,127	4,259	:	9	717	50	29	1	4	53	216	316	0	54	78	30	1,648	65	3,941
		RA	129	:	1	7	:	665	37	1,083	14,892	7,377	:	90	925	144	17	55	4	50	2,162	1,225	12	28	57	82	2,141	89	6,982
		O	7	:	260	5	:	400	1	71	824	514	:	222	376	16	16	5	0	75	11	434	0	7	2	7	125	22	754
	Remunerated activities	All	34	:	147	51	:	8,448	65	424	12,468	6,216	:	135	909	101	128	20	52	166	747	1,859	20,209	51	102	211	66,119	862	5,783
		F	7	:	16	42	:	341	56	294	8,034	1,612	:	71	218	65	52	3	28	50	614	423	0	37	70	93	3,106	214	3,186
		E	20	:	4	0	:	20	7	101	370	2,349	:	13	207	6	3	11	7	8	105	111	0	2	4	9	16	86	2,116
		O	7	:	127	9	:	8,087	2	29	4,064	2,255	:	51	484	30	73	6	17	108	28	1,325	20,209	12	28	109	62,997	562	481
	Other	All	68	:	185	160	:	1,523	9	222	20,914	6,333	:	411	1,159	1,168	127	7	15	196	260	1,463	97	59	44	32	6,997	52	7,193
		F	68	:	145	128	:	409	7	107	18,833	5,847	:	33	645	470	108	4	13	89	136	887	0	33	9	18	5,568	36	7,164
		E	0	:	30	16	:	923	0	17	522	135	:	268	152	60	6	1	0	39	10	216	0	2	1	9	15	5	4
RA		0	:	10	16	:	191	2	98	1,559	351	:	110	362	638	13	2	2	68	114	360	97	24	34	5	1,414	11	25	

Source: Eurostat (migr\_reschange), data extracted 23 March 2016

Note: F – family reasons, E – education reasons, RA – remunerated activities reasons, O – other reasons

**Table A4.7** Number of persons who have changed immigration status more than one time in France (2010-2014)

Number of changes of status	2010		2011		2012		2013		2014	
1	78,897	88.76 %	104,017	89.27 %	98,106	88.03 %	104, 331	87.22 %	101,263	85.58 %
2	8,603	9.67 %	10,667	9,15 %	11,448	10.27 %	12, 979	10.85 %	14,503	12.25 %
3	1,209	1.36 %	1, 567	1.34 %	1, 612	1.44 %	1, 925	1.60 %	2,114	1.78 %
4	165	0.18 %	227	0.19 %	235	0.21 %	323	0.27 %	383	0.32 %
5	13	0.01 %	26	0.02 %	37	0.03 %	44	0.03 %	45	0.03 %
6		0	4	0.003 %	4	0.004 %	4	0.003 %	7	0.006 %
7		0		0		0	3	0.003 %	1	0.001 %
8		0		0		0		0	1	0.001 %
Total	88, 887		116, 508		111, 442		119, 609		118, 317	

Source: Ministry of the Interior, DGEF / DSED

The remarks below aim to illustrate the caution with which the data in this table must be interpreted.

The change of status taken into account for this table covers all the categories included in the AGDREF, including the 'Others' category<sup>151</sup> and those that are not in the scope of this study in order to remain consistent with the other statistics in this study.

This table takes into account changes of status over the 10 previous years, from 2005 to 2014. It presents, therefore, the breakdown in status changes recorded each year depending on the number of status changes obtained during the previous 10 years.

It must, however, be noted that not accounting for changes of status in previous years can lead to underestimates of the figures.

In addition, the number of changes recorded annually for the years 2005 to 2010 varies between 72,000 and 91,000 approximately, whereas for the years 2011 to 2014, the annual figures are between 111,000 and 120,000. For better readability of the table, only the figures for the period 2010-2014 are mentioned.

Thus, the table is read as follows:

In 2012, out of 111,442 changes of status recorded during the ten reference years:

98,106 foreign nationals, or 88%, requested a first change of status;

11,448 foreign nationals, or 10.2 %, requested a second change of status.

We note that the percentage of first changes of status is constant (85-90%); this is also the case for second changes of status (around 10%). The subsequent status changes are close to zero.

It is, however, difficult to draw conclusions as: taking into account 15 to 20 years of history (instead of the 10 years considered) would probably modify these figures;

<sup>151</sup> CJEU judgments clearly differentiate between applicants for international protection and applicants for other (national) types of protection: Case C-542/13, M'Bodj and Case C-562/13, Abdida, available on the website <http://curia.europa.eu>



the 2010 column takes into account status changes between 2005 and 2010, whereas the 2014 takes into account the period 2005-2014, with a mechanical impact on the calculated percentages.

It is possible that the choice of categories targeted by the study and the exclusion of other categories has the effect of masking certain status changes for reasons that may have been used more or less often over the past years.

In parallel, the creation of increasingly detailed reasons over the last few years may have the effect of increasing the number of status changes between certain categories, in particular in the economic area, even more so as the study aims to examine sub-categories of economic immigration with a fairly fine degree of detail (employee / self-employed / artist / employee on assignment / EU Blue Card, etc.).

In addition, it is not possible to determine the number of successive changes of status by reason for stay (for example, student to employee, employee to private and family life, etc.).

**Table A4.8 The average processing time to change the status (the time span between the application for change of status and the granting of the change of status), by purpose of stay in 2014**

Into From	Family	Education	Research	Blue Cards	Highly qualified worker	Employee	Self- employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking
Family		2: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: ES, FI, LV, PL 4: EE, LT	1: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: ES, FI, IE, LV 4: EE, LT	2: BG 3: IE, LV, PL 4: EE, FI, LT	2: BG 3: LV 4: EE, FI	2: BG 3: ES, LV, PL 4: EE, LT	3: LV	3: LV, PL 4: EE, LT	2: BG 3: ES, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, FI, LT, PL	1: EE 2: BG 3: FI, LV, PL 4: LT
Education	2: BG 3: ES, LV, PL 4: EE, FI, LT		1: BG 3: ES, FI, LV, PL 4: EE, LT	1: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: ES, FI, IE, LV 4: EE, LT	2: BG 3: IE, LV, PL 4: EE, FI, LT, SE	2: BG 3: LV 4: EE, FI	2: BG 3: ES, LV, PL 4: EE, LT	3: LV	3: LV, PL 4: EE, LT	2: BG 3: ES, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, FI, LT, PL, SE	1: EE 2: BG 3: FI, LV, PL 4: LT
Research	2: BG 3: ES, LV, PL	2: BG 3: FI, LV, PL 4: EE, LT		1: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: ES, FI, IE, LV 4: EE, LT	2: BG 3: IE, LV, PL 4: EE, FI, LT	2: BG 3: ES, LV 4: EE	2: BG 3: ES, LV, PL 4: EE, LT	3: LV	3: LV, PL 4: EE, LT	2: BG 3: ES, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, FI, LT, PL	1: EE 2: BG 3: FI, LV, PL 4: LT
Blue Card	2: BG 3: ES, LV, PL 4: EE, FI, LT	2: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: ES, FI, LV, PL 4: EE, LT		1: BG 3: ES, FI, LV 4: EE, LT	2: BG 3: LV, PL 4: EE, FI, LT	2: BG 3: ES, LV 4: EE, FI	2: BG 3: ES, LV, PL 4: EE, LT	3: LV	3: LV, PL 4: EE, LT	2: BG 3: ES, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, FI, LT, PL	1: EE 2: BG 3: FI, LV, PL 4: LT
Highly qualified worker	2: BG 3: ES, LV 4: EE, FI, LT	2: BG 3: FI, LV 4: EE, LT	1: BG 3: ES, LV, FI 4: EE, LT	1: BG 3: FI, LV 4: EE, LT		2: BG 3: IE, LV 4: EE, FI, LT	2: BG 3: ES, LV 4: EE, FI	2: BG 3: ES, LV 4: EE, LT	3: LV	3: LV 4: EE, LT	BG, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, FI, LT	1: EE 2: BG 3: FI, LV 4: LT
Employee	2: BG 3: ES, LV, PL 4: EE, FI, LT	2: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: ES, FI, LV, PL 4: EE, LT	1: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: ES, FI, IE, LV 4: EE, LT		2: BG 3: ES, LV 4: EE, FI	2: BG 3: ES, LV, PL 4: EE, LT	3: LV	3: LV, PL 4: EE, LT	2: BG 3: ES, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, FI, LT, PL, SE	1: EE 2: BG 3: FI, LV, PL 4: LT
Self- employed	2: BG 3: ES, LV 4: EE, FI	2: BG 3: FI, LV4: EE	1: BG 3: ES, FI, LV 4: EE	1: BG 3: FI, LV 4: EE	1: BG 3: ES, FI, LV 4: EE	2: BG 3: LV 4: EE, FI		2: BG 3: ES, LV 4: EE	3: LV	3: LV 4: EE	2: BG 3: ES, LV	3: BG, EE, LV	3: BG, LV 4: EE, FI	1: EE 2: BG 3: FI, LV

Into From	Family	Education	Research	Blue Cards	Highly qualified worker	Employee	Self- employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking
Business owner	2: BG 3: ES, LV, PL 4: EE, LT	2: BG 3: LV, PL 4: EE, LT	1: BG 3: ES, LV, PL 4: EE, LT	1: BG 3: LV, PL 4: EE, LT	1: BG 3: ES, LV 4: EE, LT	2: BG 3: LV, PL 4: EE, LT	2: BG 3: LV 4: EE		3: LV	3: LV, PL 4: EE, LT	2: BG 3: ES, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, LT, PL	1: EE 2: BG 3: LV, PL 4: LT
Seasonal worker	3: ES, LV	3: LV	3: ES, LV	3: LV	3: ES, LV	3: LV	3: LV	3: ES, LV		3: LV	3: ES, LV	3: BG, LV	3: BG, LV	3: LV
ICT	3: ES, LV, PL 4: EE, LT	3: LV, PL 4: EE, LT	3: ES, LV, PL 4: EE, LT	3: LV, PL 4: EE, LT	3: ES, IE, LV 4: EE, LT	3: IE, LV, PL 4: EE, LT	3: LV 4: EE	3: ES, LV, PL 4: EE, LT	3: LV		3: ES, LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, LT, PL	1: EE 3: LV, PL 4: LT
Investor	2: BG 3: ES, LV	2: BG 3: LV	1: BG 3: ES, LV	1: BG 3: LV	1: BG 3: ES, LV	2: BG 3: LV	2: BG 3: LV	2: BG 3: ES, LV	3: LV	3: LV		3: BG, LV	3: BG, LV	2: BG 3: LV
D-type visa holder	2: BG 3: ES, LV, PL 4: EE, LT	2: BG 3: LV, PL 4: EE, LT	1: BG 3: LV, PL 4: EE, LT	1: BG 3: LV, PL 4: EE, LT	1: BG 3: LV 4: EE, LT	2 : BG 3 : LV, PL 4 : EE, LT, SE	2: BG 3: LV 4: EE	2: BG 3: ES, LV, PL 4: EE, LT	3: LV	3: LV, PL 4: EE, LT	2: BG 3: ES, LV		3 : BG, LV 4 : EE, LT, PL, SE	1: EE 2: BG 3: LV, PL 4: LT
Asylum	2: BG 3: ES, LV 4: EE, FI, LT	2: BG 3: FI, LV 4: EE, LT	1: BG 3: ES, FI, LV 4: EE, LT	1: BG 3: FI, LV 4: EE, LT	1: BG 3: ES, FI, LV 4: EE, LT	2 : BG 3 : LV 4 : EE, FI, LT, SE	2: BG 3: LV 4: EE, FI	2: BG 3: ES, LV 4: EE, LT	3: LV	3: LV 4: EE, LT	2: BG 3: ES, LV	3: BG, EE, LV 4: LT		1: EE 2: BG 3: FI, LV, PL 4: LT
Victim of trafficking	2: BG 3: LV, PL 4: EE, FI, LT	2: BG 3: FI, LV, PL 4: EE, LT	1: BG 3: FI, LV, PL 4 : EE, LT	1: BG 3: FI, LV, PL 4 : EE, LT	1: BG 3: LV 4: EE, LT	2: BG 3: LV, PL 4: EE, FI, LT	2: BG 3: LV 4: EE, FI	2: BG 3: LV, PL 4: EE, LT	3: LV	3: LV, PL 4: EE, LT	2: BG 3: LV	3: BG, EE, LV 4: LT	3: BG, LV 4: EE, FI, LT, PL	

Source: National Reports

Indexes used in the table: 1- few days to week, 2 - up to two weeks, 3 - up to a month, 4 - more than a month (in practice in some countries this can take significantly more than a month – e.g., in PL processing times in some parts of the country last even 2-3 months)

