



EUROPEAN UNION
THE COUNCIL

Brussels, 27 May 1999

SEMDOC

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8734/99

LIMITE

MIGR 42

NOTE

from : The General Secretariat of the Council
to : Migration Working Party

Subject : **Compilation of replies to an earlier survey by the German delegation on immigration rules in other Member States (see SN 1506/99)**

Delegations will find herewith a compilation of replies from Denmark, Greece, Portugal, Sweden and the United Kingdom to the following question from the German delegation:

"In the Member State in question are there any legal rules or provisions enabling third-country nationals to immigrate in order to settle permanently – possibly in accordance with specific quotas?"

Belgium stated that the situation has not changed since the last update. Germany pointed out that they do not have immigration quotas for third-country nationals. The Netherlands stated that their quota-policy applies only to refugees who are recognised as a refugee in the sense of the Geneva Convention.

The reply from Finland is in the process of being translated.

Spain, France, Ireland, Italy, Luxembourg and Austria have not as yet replied.

DENMARK

In accordance with section 8 of the Danish Aliens Act, a residence permit is issued, upon application, to aliens entering Denmark under an agreement with the UNHCR or any similar international agreement. Denmark takes in 500 quota refugees a year on that basis.

As regards other possibilities for applying abroad for permanent residence in Denmark, under section 7(4) of the Aliens Act, a residence permit may be issued to aliens coming under section 7(1) (Convention refugees) or section 7(2) (de facto refugees) of the Act who are not present in Denmark or another EU country, where on account of a previous lengthy lawful stay in the country, close relatives resident in the country or other, similar ties Denmark is to be regarded as best placed to afford protection.

In addition, under section 9(1) of the Aliens Act, a residence permit may be issued, upon application, to certain other categories of aliens, e.g. spouses, cohabitation partners, children below the age of majority and some parents of resident aliens. Under section 9(2) of the Act, a residence permit may also be issued to other aliens, where there are substantial employment-related reasons for doing so.

There is no quota system for section 7(4) or section 9 of the Aliens Act.

GREECE

In principle, the Hellenic legislation does not provide any rules enabling third-country nationals to immigrate with the specific aim to settle permanently to Greece. A third-country national's permit to settle in Greece in order to work (or for study purposes or in the framework of family reunification) is issued for a limited period of time, which does not exceed one year at the beginning. This permit to stay and/or work can be renewed once a year and then, after five years of stay and work, for two years at a time. A third-country national can obtain the status of a permanently settled migrant, after having lived and worked in Greece for fifteen years

1. Under the legislation in force – Decree Law No 244 of 8 August 1998 – , the admission of third country nationals for residence purposes is always dependent on a case-by-case examination to check whether the conditions for allowing the application (for the issue of a residence visa) are met.

These conditions do not include a quota system.

2. It should also be stated that, irrespective of the purpose and length of stay, the person concerned is granted a temporary residence permit which, once the legal requirements – viz. period of residence of at least ten years in the country – have been satisfied, may result in the issue of a permanent permit.

Refugees, as defined in the Geneva convention, who spontaneously seek asylum in Sweden and are accepted are given a permanent residence permit. Sweden also accept refugees under a refugee quota. The quota is used to, in collaboration with the UNHCR, transfer refugees or other persons who are fleeing or in a particularly vulnerable situation. In the fiscal year 1997 funds corresponding to the cost of 1840 places were set aside for persons transferred under the quota.

Other aliens in need of protection, who spontaneously seek asylum in Sweden, could be granted permanent residence permit. With the term alien in need of protection means a person who has left the country of his nationality because he

1. has a well-founded fear of being sentenced to death or corporal punishment or of being subjected to torture or other inhuman or degrading treatment or punishment,
2. due to an external or internal armed conflict he needs protection or, on account of an environmental disaster, he cannot return to his country of origin, or,
3. because of his/her sex or homosexuality, he/she has a well-founded fear of persecution.

Permanent resident permit may be granted for family reunification to

1. an alien who is married to or cohabiting with a person domiciled in Sweden though only after a probationary period of two years.
2. an alien who is under 18 and unmarried and who is or has been a child living at home of someone who is domiciled in Sweden
3. an alien who is a close relative and dependent of someone domiciled in Sweden and who has been a member of the same household as that person.

Finally permanent residence permit may be granted an alien who otherwise has a special link with Sweden or,
an alien who for humanitarian reasons should be allowed to settle in Sweden.

THE UNITED KINGDOM

The UK responded to the original enquiry on 11 April 1995. --I attach a copy of that letter, which should be amended as follows:

Paragraph 2: Delete "of that marriage" from the last sentence. A child of a previous marriage could now be admitted with a parent.

Paragraph 3: Delete the words "The only" at the beginning of the paragraph and add "or when both parents are being admitted on the same occasion for settlement" after "both of whom are present and settled in the United Kingdom". The sentence "There are also provisions for children to be admitted immediately for settlement to join a single parent or a relative in the United Kingdom provided certain criteria are met" should be added at the end of the paragraph.

Paragraph 5: The figures should be updated to read, "1997 - 171".

At the meeting of the Migration Group on 29 March you asked delegations for information about any provisions which their Member States had for the admission of third-country nationals for permanent residence.

We allow the spouses, minor children and, in certain carefully defined circumstances, other dependent relatives of people present and settled in the United Kingdom to join or accompany them to this country for settlement (ie permanent residence). A spouse is not granted settlement until after an initial period of 12 months and a similar "probationary period" would be given to any dependent child [of that marriage].

[The only] dependent relatives who can be admitted immediately for settlement are the child of parents both of whom are already present and settled in the United Kingdom, and the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom.

Other admission categories, such as work permit holders, may lead to settlement but they are not for the purpose of settlement. The United Kingdom does not have a quota system on immigration control, and we are of the opinion that such a system would have severe disadvantages in that it would not distinguish between deserving and undeserving cases; for example, the arrival of genuine spouses would be delayed until a place in the quota became available. This would not only be undesirable but would also make us vulnerable to a successful challenge before the European Court of Human Rights.

I should perhaps add, however, that we do operate one quota system for certain British Overseas citizens, British Protected Persons and British subjects. These are United Kingdom passport holders of Asian origin who settled in East Africa when under colonial rule and who, often as a consequence of their racial and cultural background, have at various times since independence have come under pressure to leave the former dependencies in East Africa but who do not have rights of free entry into the United Kingdom. The object of the "Special Voucher Scheme" is to enable these United Kingdom passport holders to be admitted to the United Kingdom at a controlled rate. In 1994 310 persons were granted a special voucher for immediate settlement in the United Kingdom.



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Brussels, 14 September 1999

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ADD 1

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ADDENDUM TO THE NOTE

from The General Secretariat of the Council
to Migration Working Party

Subject : Compilation of replies to an earlier survey by the German delegation on immigration rules in other Member States (see SN 1506/99)

Delegations will find herewith the replies received from Ireland and Finland to the following question from the German delegation.

"In the Member State in question are there any legal rules or provisions enabling third-country nationals to immigrate in order to settle permanently – possibly in accordance with specific quotas?"

IRELAND

Irish immigration legislation contains no specific rules or provisions which would enable a third-country national to immigrate in order to settle permanently in accordance with specific quotas or otherwise. The administrative practice is that permission to remain, when granted, is initially for periods of up to one year at a time. Successive renewals of this permission may lead to a person being granted residence permission for up to five years at one time. Ultimately a person may be granted permission to remain without condition as to time.

FINLAND

A person wishing to settle permanently in the country may apply to the Finnish Embassy for a permanent residence permit. The latter, designated by the letter "A", may, for example, be issued on the basis of Finnish birth or other ties with Finland and in the light of estimated long-term skilled labour needs. Residence permits may also be issued to family members of the person concerned.

In Finland a permanent residence permit is also issued to a person who has acquired a residence permit on asylum or need for protection grounds.

Finland has no specific permanent residence quotas. In practice, most of those arriving in the country in order to settle permanently are so-called Ingrian Finns from Russia and Estonia, to whom special arrangements apply.

As a rule, a permanent residence permit is issued for one year at a time. A definitive residence permit may be issued after two years of permanent residence.
