

Ad-Hoc Query from Lithuania

Requested on 1th July 2016

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Attesting highly professional qualifications by professional experience



Responses from:

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (22 in total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

At the moment the Republic of Lithuania is supplementing the Law on the Legal status of Aliens, in which the provisions concerning highly qualified third-country nationals are being changed. According to the Council Directive 2009/50/EC of 25th of May 2009 On the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or, by way of derogation, when provided for by national law, attested by at least five years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer. Lithuania would like to know if other Member States also have implemented the provision of the mentioned Directive concerning the five years of professional experience as comparable to higher education qualifications. Lithuania specifically would like to ask the following questions:

Questions:

- 1. Does your country have the procedure of recognition of the five years professional experience as comparable to the higher education qualifications?**
- 2. If yes, how long the procedure takes?**
- 3. If yes, what kind of documents third-country nationals have to submit for recognition of the five years professional experience?**
- 4. If yes, which institution is responsible for the assessment and the decision making process?**

2. Responses

Austria	YES	<p>1. Yes. Source: Federal Ministry of the Interior.</p> <p>2. It takes two months. Source: Federal Ministry of the Interior.</p> <p>3. Documents that show the content and the level of requirements of the professional activity. Source: Federal Ministry of the Interior.</p> <p>4. Universities are responsible. Source: Federal Ministry of the Interior.</p>
Belgium	Yes	<p>1. No, Belgium does not have a procedure of recognition of the five years of professional experience as comparable to the higher education qualification.</p> <p>2. Not applicable</p> <p>3. Not applicable</p> <p>4. Not applicable</p>
Bulgaria	Yes	<p>1. No.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>
Croatia	Yes	<p>1. No, Croatia has not yet develop a procedure of recognising five years of professional experience as comparable to the higher education qualification.</p> <p>2. Not applicable.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p>

Cyprus	Yes	<p>1. Cyprus does not have the procedure of recognition of the five years professional experience as comparable to the higher education qualification. Please note that access and pursuit of regulated professions is subject to the holding of the specific qualifications, academic or other, provided for in the relevant national legislation.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p>
Czech Republic	Yes	<p>1. NO</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>
Estonia	Yes	<p>1. Yes. According to Aliens Act (available at www.riigiteataja.ee/en/eli/522042016002/consolide) a higher professional qualification which is required for applying for the EU Blue Card is with the nominal study period of at least three years and evidenced by a document certifying a higher education or at least five years of professional experience.</p> <p>2. Within two months.</p> <p>3. Submit an assessment of competent institution an applicant or resolution of a competent body regarding the acknowledgement of such alien's higher professional qualification, or the documents evidencing at least five years work experience of the alien (this named assessment can be provided by the employer who wishes to employ the alien in Estonia).</p> <p>4. The documents, appended to the application for the EU Blue Card by an alien, that provide proof of work experience which is required to provide proof of a higher professional qualification will be assessed by the Police and Border Guard Board.</p>
Finland	Yes	<p>1. No. "Higher professional qualifications" means qualifications attested by evidence of higher education qualifications only. In a government proposal (HE 37/2011) concerning the directive it was outlined that assessing professional experience acquired outside Finland would be too difficult.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>

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France	Yes	<p>1. Article L.313-10 6^o of the Code for the entry and residence of foreigners and right of asylum (CESEDA) provides that the EU blue card can be issued to the highly qualified worker holding a degree of at least 3 years of higher education awarded by a higher education teaching institution recognised by the State in which it is located or evidence of 5 years of work experience at a comparable level. THIS work experience should be relevant with the sector indicated in the work contract or with the position.</p> <p>2. Article R. 313-19-1 of the CESEDA indicates that the decision of the prefect should be notified to the applicant as soon as possible and at the latest 90 days after the filing of the application for the residence permit. Pending the issuance of the permit, the applicant is issued with a receipt of residence permit allowing him to work.</p> <p>3. The applicant can submit his/her resume or any other document proving his/her work experience of at least 5 years at a comparable level, for example work certificates from previous employers.</p> <p>4. If the applicant does not reside in France, first, the employer files the work permit application with the competent foreign labour service within the Regional Directorate for Business, Competition, Consumer Affairs, Labour and Employment (DIRECCTE). This service verifies that the applicant fulfills the criteria related to diploma or work experience and is allowed to exercise the related position (if regulated). Then once the work permit is approved, the foreign national can apply for his/her long term visa at the French consulate in the country of residence to enter France and apply for the EU blue card at the competent Prefecture. If the foreign national already resides in France under a valid residence permit, s/he files the work permit application with the prefecture which will transfer the application to the competent foreign labour service. Once the work permit approved, the prefecture will issue the EU Blue card.</p>
Germany	Yes	<p>1. No. The Federal Ministry of Labour and Social Affairs has not yet adopted a statutory instrument to this effect. It is currently not possible to obtain an EU Blue Card in Germany without a higher education qualification.</p> <p>2. n.a.</p> <p>3. n.a.</p> <p>4. n.a.</p>
Greece	Yes	<p>1. YES</p> <p>2. According to Law 4251/2014 "Immigration and Social Integration Code and other provisions" the competent authority, shall process the application with all supporting documents and, where the conditions of Article 111 are met, shall deliver a relevant decision on the issue of the EU Blue Card within 90 days at the latest from the date it received all supporting documents.</p> <p>3. The applicant, must provide all necessary documents attesting, at least five years of professional experience of a level comparable to higher professional qualifications and which is relevant in the occupation or sector specified in the work contract.</p> <p>4. The competent authority for granting and issuing an EU Blue Card. In case of our country, this authority is the Directorate of Migration Policy of the Ministry of Interior and Administrative Reform.</p>
Hungary	Yes	<p>1. No.</p> <p>2. n.a.</p> <p>3. n.a.</p> <p>4. n.a.</p>

Latvia		<p>1. No. Latvia has no procedure for recognition of professional experience and this possibility has not been introduced in the national legislative acts.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>
Lithuania	Yes	<p>1. Yes. The draft law is has been adopted by the Parliament providing for such a possibility. However, the practical procedures are to be developed by the relevant ministries.</p> <p>2. Not clear at the moment.</p> <p>3. Not clear at the moment.</p> <p>4. Not clear at the moment.</p>
Luxembourg	Yes	<p>1. Yes. In Luxembourg, article 45 (2) a) and c) of the amended law of 29 August 2008 on free movement of persons and immigration establishes this possibility. Article 45 (2) a) establishes "highly qualified employment" means the employment of a worker carrying on a salaried activity for which he/she possesses the appropriate and specific skills required, such skills being attested by higher professional qualifications which are either evidenced by a higher-education qualification or backed up by at least five years' professional experience at a level comparable to a higher-education diploma, and which are relevant in the profession or sector specified in the work contract;" and article 45 (2) c) establishes: "professional experience" means the actual and lawful pursuit of the profession concerned.</p> <p>2. Article 45 (4) establishes that the Minister in charge of Immigration shall decide if the blue card is granted in a maximum period of 90 days after the application is completed. So the Minister has this period of 90 days to analyse if the evidence provided by the applicant is sufficient to fulfil the criteria established by article 45 (2) a) and c) mentioned above.</p> <p>3. The burden of proof is on the applicant. S/he must attest having at least five years' professional experience comparable to a higher-education diploma. The applicant must provide all the relevant documents that can prove this professional experience (i.e. certificate of employment of previous employers establishing the time and position occupied by the applicant, as well as any public information available that corroborates this professional experience). The Minister in charge of immigration has the free appreciation of the evidence presented and can require additional information if needed.</p> <p>4. The Minister in charge of Immigration is responsible for the assessment and the decision making process. The administrative analysis is done by the Foreigners' Service of the Directorate of Immigration.</p>
Netherlands	Yes	<p>1. No, the Netherlands does not have a procedure of recognition of the five years of professional experience as comparable to the higher education qualification.</p> <p>2. Not applicable</p> <p>3. Not applicable</p> <p>4. Not applicable</p>

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Latvia	Yes	<ol style="list-style-type: none"> 1. No, the Netherlands does not have a procedure of recognition of the five years of professional experience as comparable to the higher education qualification. 2. Not applicable 3. Not applicable 4. Not applicable
Portugal	Yes	<ol style="list-style-type: none"> 1. No. In Portugal, the number of highly qualified TCNs isn't significant. However, if they have a regulated profession and high qualifications duly proven or if they have an unregulated profession and appropriate high professional qualifications to the activity or job they were hired for, they are granted a residence permit. 2. - 3. - 4. -
Slovak Republic	Yes	<ol style="list-style-type: none"> 1. No. In the Slovak Republic, obligatory part of the Blue Card application is formally recognized evidence of completed higher education. It cannot be replaced with professional experience. 2. N/A 3. N/A 4. N/A
Slovenia		<ol style="list-style-type: none"> 1. NO. 2. / 3. / 4. /
Sweden	Yes	<ol style="list-style-type: none"> 1. Yes, instead of a university degree, five years of professional experience can also be taken into account for the granting of an EU Blue Card in Sweden. Applicants have to prove their professional experience by handing in relevant work certificates. 2. Since the number of EU Blue Cards issued by Sweden has been very small so far, no average duration can be calculated for the duration of the process to recognise/verify professional experience in the framework of processing applications for EU Blue Cards. (Sweden issued only two Blue Cards in 2015). 3. They have to hand in relevant work certificates. (For your convenience, please find the Swedish application form for EU Blue Cards attached. It shows how applicants can show the necessary professional experience.) 4. The Swedish Migration Agency.

United Kingdom	Yes	<ol style="list-style-type: none"> 1. The UK has opted out of the directive 2009/50/EC of 25th of May 2009. The skilled worker route in the UK (Tier 2) is demand-led, and it is a matter for employers to determine whether the migrant they are sponsoring is sufficiently qualified and/or experienced to do the job. 2. N/A 3. N/A 4. N/A
Norway	Yes	<ol style="list-style-type: none"> 1. No. Norway does not have any formal procedures for recognizing 5 years of professional/working experience as an equivalent of higher education qualifications. If someone does need formal qualifications, they would have to apply to attend an institution of higher education in Norway and that institution will then evaluate their experience to see what part of the formal education they needed to complete their qualifications. They might, or might not be able to drop some courses. Someone whose higher education has not been verified can still be employed as long as the employer was satisfied with their qualifications. 2. N/A (From the time a student applies to a university with documented 5 years professional experience til he/she gets a response takes about 4 months) 3. To apply to the university, they would have to provide thorough documentation stipulating exactly their tasks at work, and how much time/ hours/months etc. were used on each task during the 5 year period. The same is true if they have a partial education, they would have to provide a syllabus, assignments, lecture content etc. to apply to drop a course. 4. Each institution of higher education evaluates previous work experience to see if it is possible to drop some of the formal education.

