



## **Ad-Hoc Query on holders of EU Blue Card: registration and distinction of first issue and change of status**

**Requested by DE EMN NCP on 21 August 2013**

**Compilation produced on 9 January 2014**

**Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, plus Croatia (21 in Total)**

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### **1. Background Information**

On 1 August 2012 Germany introduced the EU Blue Card. Among the total number of third-country nationals resident in Germany by 30 June 2013 who are holders of an EU Blue Card, 29% are people who entered the territory of the Federal Republic of Germany in order to apply for an EU Blue Card (so called new issue) and 71% are people who prior to receiving the EU Blue Card already had been holders of another residence document in Germany and who changed their status from this residence document granted at an earlier point of time, e.g. for employment purposes or academic studies to the EU Blue Card (so called persons who change status).





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The introduction of the EU Blue Card meant the creation of a new central residence document which shall in addition to fostering the mobility of highly qualified workers help addressing labour shortages in the EU (see recital no. 7 of Directive 2009/50/EC of 25 May 2009).

Therefore, Germany is particularly interested to learn whether the EU Blue Card has indeed reached its goal of acquiring new highly qualified workers or whether the holders of an EU Blue Card are just people who in their respective member country have already been employed on the basis of another residence document. In the end, this question will be decisive in order to measure the success of the EU Blue Card.










We would very much appreciate your responses by the 20th September 2013.

## 2. Responses<sup>1</sup>








		<b>Wider Dissemination?</b>	
			<ol style="list-style-type: none"> <li>1. Do Member States make a distinction in their registration offices and in their statistics whether holders of an EU Blue Card have been granted this document in the respective Member State as a first residence document or whether they have changed their status from another residence document to the EU Blue Card?</li> <li>2. If there is in principle no such distinction or registration as described in item 1, is there a possibility to make a request on the basis of historised data in order to be able to make a statement regarding the numbers of first issues or change of status? And if this is possible, what are the percentages of these categories?</li> </ol>
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	The Belgian authorities can, if needed, make this distinction in their registrations and their statistics (on basis of the 'personal identification number' every applicant receives). Please note that Belgian authorities only received 3 applications for a Blue Card so far (on date of 21/08/2013).
	<b>Bulgaria</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes, a distinction between first and subsequent documents is made in the registration offices and the respective statistics as well, because Migration Directorate within the Ministry of Interior is responsible for residence permits including this type "EU Blue Card" possible to be issued since 15.06.2011 after the transposition of the Directive in the Law for the Foreigners in the Republic of Bulgaria.</li> <li>2. The change of immigration status or reason to stay on the territory of Bulgaria has not been allowed according to the Law for the Foreigners in the Republic of Bulgaria, article 27 (1) "To the foreigners entered the country on one ground the term for stay in the country shall not be extended on another one except the cases where this is required by state interest and in the event of extraordinary circumstances" until 8 March 2013 when this condition was cancelled by the amendments of the Law from this date. Therefore information on the percentage requested in not available yet and the number of Blue Cards issued concerns only first ones by this reason.</li> </ol>
	<b>Cyprus</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Although Cyprus has transposed the Directive for the EU Blue Card into national legislation, the quote has been set to zero, since then. Therefore, there have been no practical arrangements as of today, with regards to the issuance/statistical info of EU Blue Cards.</li> </ol>

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.


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			2. N/A
	<b>Czech Republic</b>	<b>Yes</b>	1) No. 2) Based on data on where the application was lodged (on the territory and abroad) it is possible to venture a rough estimate that two thirds of Blue Cards issued in the first 7 months of 2013 were first permits and one third concerned a change of status.
	<b>Estonia</b>	<b>Yes</b>	1. No distinction is made during the registration in the Central Register of Foreigners. 2. A historicized request allows determining whether a new issue or a change of status is present. According to previous evaluations persons who changed status represent 27% and new issues represent 73% of the granted EU Blue Cards.
	<b>Finland</b>	<b>Yes</b>	1. No. the Finnish Immigration Service does not issue Blue Card in the above mentioned situation. The directive only applies to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of highly qualified employment under the terms of the Directive (Article 3), it does not apply to those third-country nationals applying for extension of their residence permit.  Finnish Immigration service has issued only a few Blue cards since the Directive came into force in national legislation: in 2012 FIS issued 2 Blue cards and by now the number is 5.
	<b>France</b>	<b>Yes</b>	1. Yes. In France, statistical data on EU Blue Card holders, which have been available since 2012, make such a distinction. 2. Number of first residence permits in 2012: 160. Number of changes of status in 2012: 8. It corresponds to 95 % of first residence permits and 5 % of changes of status. (Source: AGDREF / DSED (French central database of third country nationals / Department of Statistics, Studies and Documentation)).
	<b>Germany</b>	<b>Yes</b>	No distinction is made during the registration in the Central Register of Foreigners. A historicized request allows determining whether a new issue or a change of status is present. According to previous evaluations persons who changed status represent 70% and new issues represent 30% of the granted EU Blue Cards.
	<b>Hungary</b>	<b>Yes</b>	Issue of EU Blue Card is regulated in Act II of 2007 on entry and stay of third country nationals and in the Government Decree 114/2007. (V.24.) on implementation of the act. The current legislation doesn't forbid that the third country nationals who possess a valid residence permit submit an application for EU Blue Card in order to change status. Neither in the legislation nor in practice exist a distinction between holders of EU Blue Card as first residence document and migrants who have changed their status from another residence document to the EU Blue Card. Statistical data are not available in this regard.
	<b>Latvia</b>	<b>Yes</b>	If EU Blue Card has been issued to a third-country citizen, already residing in Latvia with a residence permit, the issuance of the Blue Card will be coded as a change of status, so, it is possible to distinguish between third-country citizens who have received the first-time permits and those who have been issued a repeated permit (change of a reason of stay). EU Blue Card is definitely not the document that has been requested often. Since July 2011 only 20 EU Blue Cards have been granted in Latvia. 5 permits were issued as for a change of the status, 15 - as first-time permits.
	<b>Lithuania</b>	<b>Yes</b>	1. We do not make such distinction. 2. Yes, it is possible. As for now the numbers are: 50% of first issues and 50 % changed to EU Blue Card holder's status.
	<b>Luxembourg</b>	<b>Yes</b>	1. No. In Luxembourg there is no distinction made in the statistics between a first issuance of an "EU Blue Card" and a change of status from another residence permit to the EU Blue Card. Luxembourg transposed the Blue Card Directive by Law of 8

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			<p>December 2011 (which amended the Law of 29 August 2008) which entered into force on 3 February 2012. Once the Law of 8 December 2011 entered into force the Directorate of Immigration issued 290 “Blue Card” residence permits.</p> <p>2. In principle each third country national has a unique file number and a national ID so technically it is possible to determine if there has been a change of status. We notice that 104 third country nationals changed already their status and hold another residence permit before the delivery of the European blue card. 186 third country nationals got as a first residence permit the European blue card.</p>
	<b>Malta</b>	<b>Yes</b>	<p>1. Malta does not make any distinction but it is in a position to know whether a 3<sup>rd</sup> country national changed his status to an EU Blue Card Holder.</p> <p>2. Please see above. The Blue Card Holders issued were already residing in Malta and holding another type of residence document.</p>
	<b>Netherlands</b>	<b>Yes</b>	<p>1. Yes, in the registration system of the IND there is a distinction between holders of an EU Blue Card who have been granted this document as a first residence document or whether they have changed their status from another residence document to the EU Blue Card.</p> <p>2. See answer to item one.</p>
	<b>Portugal</b>	<b>Yes</b>	<p>1. In Portugal there is no distinction in both, formal and statistical. However, it's possible to know statistical information about this.</p> <p>2. It will be possible in a near future.</p>
	<b>Slovak Republic</b>	<b>Yes</b>	<p>1. Yes.</p> <p>2. In the SR there are 12 temporary residences – Blue Cards granted (data as of 31 August 2013) in line with the Act on Residence of Aliens. From this number in 8 cases this concerned a first residence and in 4 cases this concerned the change of status.</p>
	<b>Slovenia</b>	<b>Yes</b>	<p>1. Yes, we can make a distinction whether third country national (TCN) obtained Blue Card (BC) as first residence permit or he/she obtained BC as result of changed status. This distinction results from legislation and is also kept in statistics. Namely, Aliens Act provides, that an alien in possession of a temporary residence permit of the Republic of Slovenia may, prior to the expiry of the period for which the permit was issued, lodge an application with the competent authority in the Republic of Slovenia for a subsequent residence permit for a different purpose. This provision is also transferred to Aliens Register, where all data on aliens are kept.</p> <p>2. Because of the distinction in the legislation and in data keeping (Alien Register) data is available at any time. In 2012 issued 9 EU Blue Cards (BC), 7 of them were first residence permits, 2 of them were issued as subsequent residence permits (changed purpose). From 1.1.2013 till 31.8.2013, 4 BC's were issued, 2 of them first, 1 extended and 1 subsequent.</p>
	<b>Spain</b>	<b>Yes</b>	<p>1. Spain makes that distinction. The computer recording system distinguishes between Blue Card holders who obtain the permit as a first residence document, to those who obtained previously another type of residence permit and change their status.</p> <p>2. Blue Card holders who obtain the permit as a first residence document represent more than 99%, and Blue Card holders who obtain the permit after changing their status represent less than 1% in 2012.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>1. In its database on residence permits, the Swedish Migration Board uses specific codes to monitor the processing of applications for EU Blue Cards in Sweden. It does not, however, differentiate between Blue Cards issued as first-time residence permits and Blue Cards issued to persons who already had a (different kind of) residence permit before.</p> <p>2. Yes, for evaluation purposes, the Swedish Migration Board can check whether an EU Blue Card holder has had a different kind of residence permit before. This is not done routinely, but it is technically possible.</p> <p>Changes to the Swedish Aliens Act implementing the EU Blue Card Directive in national law only entered into force on 1 August</p>

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			2013. Since then, and as of 2 September 2013, only 1 person has been granted an EU Blue Card in Sweden. It is therefore too early to provide any statistical evaluations or percentages.
	<b>Croatia</b>	<b>Yes</b>	There is no difference. By checking the official records of the Ministry of the Interior one can determine whether or not the case in question involves the first issuance or has an alien already changed the grounds required for regulating his/her work. There is a possibility of issuing an “EU Blue Card” as of July 01 2013 (since the day of the accession of the Republic of Croatia to the EU). So far, 4 applications for the issuance of a stay and work permit “EU Blue Card” have been submitted and relevant decisions are pending.

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