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Ad-Hoc Query on 2024.9 Recognition of documents in unregulated professions

Requested by EMN NCP Slovakia on 26 February 2024

Responses from EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Serbia, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Sweden (21 in Total)

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1. BACKGROUND INFORMATION

Article 5 of the Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC distinguishes between the standard of proof necessary in relation to regulated and non-regulated professions.

The Slovak Republic is currently in the process of discussing the possibilities of transposing the mentioned Article.

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In this regard, it would be helpful to learn about Member States' experiences with the transposition of this Article or any other experiences with the system of recognition of documents in unregulated professions in existing national practice/legislation.

We would like to ask the following questions:

1. In the existing national policy and/or legislation transposing Article 5 (1) (b) and (c) of the Directive (EU) 2021/1883 does your Member State distinguish between the requirements for documents attesting either to relevant qualifications or to the fulfilment of the conditions set for the exercise of the profession applicable to regulated and unregulated professions respectively? Yes/No. Please specify.
2. Does your Member State require an applicant planning to engage in an unregulated profession to have a document attesting to relevant higher professional qualification officially recognized to be comparable with the document on qualification issued by the MS in question? Yes/No
3. If you answer YES to Q.2, could you please provide more information on the recognition of qualifications procedure (e.g. whether the recognition is carried out as a part of the process of assessing the application and handled by the responsible authority or handled by each individual applicant as a separate process before the application is submitted) ?
4. If you answer NO to Q.2, could you please provide more information on how the veracity of the documents attesting to relevant higher professional qualification is ensured?

We would very much appreciate your responses by 25 March 2024.

2. RESPONSES

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| | EMN NCP Belgium | Yes | <p>1. Yes. In the Walloon Region, the general principles to obtain a Blue card are set out in the Walloon Government Decree of 16 May 2019. Under Article 18 of this Decree, “<i>admission to work under the EU Blue Card is granted if the following conditions are met (...) 3° the third-country worker demonstrates higher professional qualifications linked to a diploma issued by an educational institute recognised as a higher education establishment by the State in which he is established</i>”.</p> <p>Nonetheless, the Decree further specifies, in the case of regulated professions (Art. 43): “<i>To be considered complete, an initial application for admission to work must contain the following documents: (...) 4° where the application concerns the exercise of a regulated profession, the documents proving that the worker meets the conditions for exercising this profession.</i>”</p> <p>Similarly, in the Flemish Region there is currently a general requirement for all categories (including the Blue Card) that if the application relates to the exercise of a regulated profession, the documents should be submitted to prove that the employee meets the conditions for the exercise of that profession (art. 44, 3° Decision of the Flemish Government of 7 December 2018).</p> <p>For unregulated professions, in the existing Flemish policy there are 3 categories that can enter the labor market to work:</p> <ul style="list-style-type: none"> • 1) <u>low-skilled and medium-skilled profiles</u>: no requirement of qualifications but from 1 May 2024 there is a certain qualification requirement - proof can be based on work experience or education • 2) <u>medium-skilled profiles on the shortage occupation list</u>: proof based on work experience or education • 3) <u>highly skilled profiles</u>: <ul style="list-style-type: none"> ○ For most of the categories qualification 5 is required ○ For the Blue card qualification 6 is required, there is an exception for 2 IT profiles (ISCO 08 – 133 and 25, Annex I of the directive) where work experience (3 years within 7 years) is enough <p>Indeed, the Decision of the Flemish Government (Art. 21) states that “<i>Admission to employment under the</i></p> |

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| | | <p><i>EU Blue Card shall be granted if all the following conditions are met: (...) 3° the employee demonstrates higher professional qualifications by means of a higher education diploma</i>".</p> <ul style="list-style-type: none"> • For managers and CEO's there is no qualification requirement. <p>In the Brussels Capital Region, however, there is no provision in the current and future regulations for regulated professions in the specific section "European Blue Card". However, the general provisions in the regulations do provide a number of important elements through which respect for access to the profession can be enforced.</p> <ul style="list-style-type: none"> • In the current regulations: Article 34 of the Royal Decree of 9 June 1999: <ul style="list-style-type: none"> ○ "The work permit and work card shall be refused if: <ul style="list-style-type: none"> ▪ (...) ▪ 2° the employment is contrary either to public order or public security, or to laws and regulations, or to international agreements and conventions on the hiring and employment of foreign workers. ▪ (...) ▪ 4° the employer does not comply with the legal and regulatory obligations concerning the employment of employees; ▪ 5° the employment is not carried out in accordance with the wage and other working conditions applicable to the employment of Belgian workers. <p>2. Yes. In the Walloon Region, the deadlines in Directive 2011/98/EU or Directive 2021/1883/EU are binding. The supporting documents requested by the authorities must be supplied to the Walloon Public Service within 15 days (not specified, so more like 15 working days). In the Flemish Region, this is <u>not</u> necessarily required. For non-regulated professions, diploma recognition is required in the public sector to be eligible for selection. For unregulated occupations in the private sector, it depends on what the employer requires. Nonetheless, see answer to Q1, higher education diploma must be proven in some way: <i>"Admission to employment under the EU Blue Card shall be granted if all the following conditions are met: (...) 3° the employee demonstrates higher professional qualifications by means of a higher education diploma"</i>.</p> |
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| | | <p>This is <u>neither</u> a requirement in the Brussels Capital Region: under the future regulations a limited number of professions (e.g. Manager in the Information and Communication Technology sector, Information and Communication Technology Specialist) can obtain an EU Blue Card on the basis of higher professional qualifications, in accordance with the Directive. How the employer will have to prove these qualifications when submitting the application has not yet been decided upon, but <u>it will possibly be on the basis of the employee's CV, and therefore not on the basis of an official document</u> from another Member State or third country.</p> <p>3.</p> <ul style="list-style-type: none"> For the Walloon Region, the recognition of qualifications happens separately from the assessment of the application for the Blue Card. The French Community is competent for the qualifications, while the Walloon Public Service is competent for the entire assessment. When applicants apply for the recognition of an equivalence for a non-European diploma, with a view primarily to integrate into the French-speaking Belgian labour market, applications for equivalence are submitted exclusively by the holders of the foreign diploma and not by the regional authorities or any other intermediary. The deadlines for recognition by the competent authorities (notably the French Community) are not aligned with the deadlines of the Walloon Public Service. If there are regulatory obligations from another level of authority, they must of course be respected. For the Flemish Region, this question is n/a. However, more generally, NARIC-Flanders (the National Academic Recognition Information Centre) offers two recognition procedures: level recognition and specific recognition. Level recognition confirms the level of the qualification in Flanders, while specific recognition, in addition to the level, specifies the field of study of the qualification and compares the foreign educational training with the corresponding program in Flanders. Hereby the principles are applied as foreseen in the Lisbon recognition convention. Applicants with a non-EEA diploma aiming to enter a regulated profession must apply for specific recognition of equivalence of the qualification. For unregulated professions where it is necessary to have a qualification recognized (such as to be considered for selection procedures in the public |
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| | | | <p>sector), level recognition is appropriate. This is a less severe recognition procedure than the specific recognition procedure but offers sufficient guarantees regarding the level of training followed abroad and authenticity of the documents submitted. Applicants who have their qualifications recognized (level recognition or specific recognition) receive a legally binding decision.</p> <ul style="list-style-type: none"> • For the Brussels Capital Region, n/a. <p>4.</p> <ul style="list-style-type: none"> • In the Flemish Region, the qualifications are checked against expertise and reliable databases (e.g. UNESCO database, Anabin). In case of doubt, the applicant will be asked to present a recognised diploma. • In the Brussels Capital Region, it is assumed that it is in the employer's interest to check carefully whether the employee has the right qualifications to do the job, but no additional control mechanisms exist at the moment. |
|  | EMN NCP Bulgaria | Yes | <p>1. The recognition of foreign diplomas for higher education in unregulated professions is carried out on the basis of the so-called Lisbon Convention (Convention on the Recognition of Qualifications concerning Higher Education in the European Region of 1997) and the Ordinance on State Requirements for Recognition of Higher Education and Completed Periods of Education in Foreign Higher Educational Institutions. On the other hand, foreign scientific degrees are recognised under the Law on Academic Staff Development.</p> <p>The recognition of a professional qualification, internship or higher education acquired in a foreign country in regulated professions is carried out by the authority of the relevant profession in accordance with Directive 2005/36/EC and the Law on the Recognition of Professional Qualifications (LRPQ) and it has the force of a work permit in Bulgaria. Up-to-date information on regulated professions and their competent Bulgarian authorities can be found in the List of regulated professions in Bulgaria maintained by NACID https://nacid.bg/bg/professio/. This applies both to regulated professions from Member States and to professions acquired in third countries.</p> |



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| | | <p>2. -</p> <p>3. The bodies which recognise foreign diplomas in Bulgaria are different depending on the purposes of the requested recognition for unregulated professions and for regulated professions. Holders of professional qualifications in unregulated professions have direct access to the labour market. The potential employer or the body that has set a requirement for their recognition is competent for their recognition.</p> <p>Depending on the objectives of the requested recognition, the Bulgarian academic recognition authorities for unregulated professions are as follows:</p> <p>The rector of an accredited Bulgarian higher education institution is the competent authority for the recognition of foreign degrees of higher education "Bachelor" and "Master", as it concerns the continuation of education, the qualifications upgrading or the application for doctorate degree. Recognition is only valid for continuing education at the relevant higher education institution.</p> <p>The National Center for Information and Documentation (NACID) is the competent authority for the recognition of foreign educational qualification degrees "Bachelor" and "Master" and scientific degrees "Doctor" and "Doctor of Sciences" in order to facilitate access to the labour market, as well as for other purposes when the applicant has a legal interest.</p> <p>Foreign scientific degrees "Doctor" and "Doctor of Sciences" are subject to recognition by Bulgarian higher education institutions and scientific organisations for access to training to increase qualifications, to conclude contracts with postdoctoral students and to occupy academic positions in the relevant higher education institutions and scientific organisations.</p> <p>An important clarification regarding the recognition carried out by NACID is that its recognition is an official written confirmation of the value of the foreign diploma but does not have the nature of a work permit. The purpose is to facilitate the access of the holder of the diploma to the unregulated market and to potential employers, and the actual recognition is the right of the employer – whether he will hire him with his foreign diploma or with his other qualification.</p> <p>4. -</p> |
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| |  EMN NCP Cyprus | Yes | <ol style="list-style-type: none"> 1. N/A. The EU Blue Card Directive, has not yet been transposed to the national law. It is pending for a vote by the Parliament. 2. N/A 3. N/A 4. N/A |
| |  EMN NCP Czech Republic | Yes | <p>1. Yes. These are two different conditions; in the first case the aim is to verify whether the foreigner has the required high qualifications. In principle, it is necessary to distinguish between two basic concepts: (1) recognition of a professional qualification (i.e., competence to practise a profession) and (2) recognition of professional education (in other words, demonstrably completed education).1) Recognition of professional qualifications (i.e., professional recognition) focuses on the assessment of the knowledge and skills of a particular person, which may be the evidence of formal qualifications (education and training), but may also be the evidence of the actual performance of the activity in question. The professional recognition process results in a decision on whether the person concerned has sufficient knowledge and skills to be able to pursue a particular profession or activity.2) Recognition of professional education (i.e., academic recognition) can be defined as the recognition of diplomas, qualifications or parts of a curriculum from one (domestic or foreign) educational institution by another educational institution. Academic recognition is characterised by a detailed comparison of curricula, which then results in a decision on whether the education obtained abroad is equivalent to that provided in the Czech Republic. In the second case, the examination is whether the person concerned has proof of compliance with the conditions for the exercise of the regulated profession. A profession, professional activity or trade is regulated when there is a legislative regulation giving a condition under which the profession can be pursued. Without meeting these conditions, the professional is not entitled to pursue the profession. Regulated professions or activities are established by every Member State. In the Czech Republic there are approximately 330 regulated professions or activities. However, the fact that it is a regulated</p> |

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| | | | <p>occupation does not mean that it must always be a highly skilled occupation for which a blue card can be issued. Information on every regulated activity, incl. required education, experience and/or other competence can be found here: Database of regulated professions and professional activities (https://uok.msmt.cz/uok/ru_list.php). If the applicant is going to practise a regulated profession, the application must be accompanied by proof of compliance with the conditions for practising that profession. The proof may be provided in 2 ways: a) If the professional competence was obtained in the Czech Republic - it is sufficient to provide this document, b) if the professional competence was obtained abroad - it is necessary to have the professional competence recognised by a recognition body which will issue a formal decision. Beyond your query, we would like to state, that the Czech Republic has decided not to apply Article 2(9)(b) of the Directive.</p> <p>2. Yes.</p> <p>3. It is not part of the process of applying for a Blue Card. As the document confirming eligibility is a compulsory part of the Blue Card application, the applicant must already submit when applying for a Blue Card. It is therefore a separate act that must precede the application for a Blue Card. Ministry can only grant a Blue Card after a positive opinion of the competent recognition authority.</p> <p>4.</p> |
|  | EMN NCP Estonia | Yes | <p>1. Yes. For unregulated positions or qualifications, an applicant must prove that he/she has requisite qualifications, training, work experience, professional skills and knowledge to assume relevant position. In order to work for regulated profession or position and professional qualification is obtained in a foreign country, an applicant has to submit application with original copies of the evidence of the professional qualifications, training and when necessary, temporary or permanent prohibition on practicing and existence or absence of disciplinary and criminal sanctions of a professional nature, proof of the financial standing or liability insurance, physical or mental health, if it is required for working in a regulated position or profession.</p> |

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| | | | <p>2. No. If an applicant applies employment in an unregulated profession or position, he/she must prove only necessary education or work experience in order to work on a relevant position.</p> <p>3. N/A</p> <p>4. If there is reason for doubt, it is possible to check via national ENIC/NARIC Centre or ask for additional information via embassies. At the submission of documents an applicant confirms that presented documents and information is correct and he/she is aware that submitting false information is punishable. Also, employer, who invites a foreigner, confirms same correctness of information. Relevant confirmation is legally bound and may cause legal consequences.</p> |
| + | EMN NCP Finland | Yes | <p>1. In Finland the employer has the responsibility of ensuring the professional qualification of the employee or their fulfilment of the conditions set for the exercise of the profession applied for. Applicants for regulated as well as non-regulated professions must have the necessary documents proving their professional qualifications for that specific line of work. Additionally, however, in the case of a regulated profession, the applicant must also provide documents proving the specific authorisation/qualification to exercise the profession applied for. These authorisations must be issued by a relevant Finnish authority (e.g. National Supervisory Authority for Welfare and Health). Further information on regulated professions in Finland: https://www.suomi.fi/company/responsibilities-and-obligations/professional-qualifications/guide/professional-qualifications-and-equivalence/recognition-of-professional-qualifications-in-finland In both cases, the primary responsibility for checking the documents lies with the employer. Finnish Immigration Service may request access to the documents as well, but it must be for a justified reason.</p> <p>2. Applicant must submit information regarding their qualification such as higher education degree or other information confirming that the applicant is highly qualified in their field. If the applicant does not have a higher education degree, but is qualified in their field due to extensive work experience, they can</p> |


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| | | | <p>prove it with a CV and work certificates, for example. Further information on equivalence of qualifications in Finland: https://www.suomi.fi/company/responsibilities-and-obligations/professional-qualifications/guide/professional-qualifications-and-equivalence/equivalence-of-qualifications</p> <p>3. Recognition of qualifications is an integral part of the residence permit process and each applicants' qualifications are assessed separately upon submitting the application. No separate certification is required from the country of origin. As mentioned above in Q1, a separate authorisation or recognition of qualification is required from the Finnish authorities such as the National Supervisory Authority for Welfare and Health, for example.</p> <p>4. N/A</p> |
| ■ | EMN NCP France | Yes | <p>1. YES. To practice a regulated profession, the applicant must meet the specific conditions established for each profession concerned. Regarding non-regulated professions, they must demonstrate that they possess suitable professional qualifications and fulfil the criteria to occupy the position.</p> <p>2. For non-regulated professions, the applicant will need to present documents attesting that they possess the professional qualifications related to the work to be performed and/or the corresponding professional experience. In accordance with Article L.421-11 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA), a candidate who holds a highly qualified position for a duration equal to or greater than one year must hold a diploma awarding at least three years of higher education issued by an institution of higher education recognised by the state in which it is located or have five years of professional experience at a comparable level.</p> <p>3. The evaluation of the supporting documents will be carried out by the competent department responsible for processing the residence permit application, which will verify the criteria allowing the</p> |



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| | | | <p>issuance of this residence permit authorising the holder to occupy this employment.</p> <p>4. n/a</p> |
|  | EMN NCP Germany | Yes | <p>1. Yes. If the intention is to take up a regulated profession, when applying for the EU Blue Card it must be proven that a corresponding permit to carry out the regulated profession has been granted or promised by the responsible authority in Germany.</p> <p>2. No (in many cases).</p> <p>3. N/A</p> <p>4. In academic, non-regulated professions, such as computer scientist, mathematician or economist, the proof that the foreign higher education qualification is comparable to a German higher education qualification can be made in two different ways.</p> <p>a) Positive results in the anabin database The Central Office for Foreign Education (ZAB) operates the anabin database, which provides information on the evaluation of foreign educational qualifications and universities. The database is currently available in German. The applicants can check whether their university and their degree are listed as a recognised university and a comparable degree. Not all foreign academic degrees or universities are listed in the anabin database.</p> <p>b) Statement of Comparability The other option is an individual statement, which can be requested from the Central Office for Foreign Education (ZAB) in Bonn. Such a statement is needed for example, if the university is not listed in the anabin database as "H + " or the degree is not listed. Further information can be found here: https://www.make-it-in-Germany.com/en/working-in-Germany/recognition/academic-qualifications.</p> |

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|  | EMN NCP Greece | Yes | <p>1. Yes. According to article 31 of new Migration Code (L5038/2023, GG A'81), a third country nationals who applies for the granting of an "EU Blue Card" must meet, among other the following conditions: -in the case of non-regulated professions, to provide documents certifying the relevant high professional qualifications regarding the work to be performed, -if it is a regulated profession to provide documents certifying that he/she meets the conditions of the presidential decree 38/2010 (GG A' 78), on the adaptation of Greek legislation to Directive 2005/36/EC regarding the recognition of professional qualifications, for the exercise of the profession specified in the employment contract.</p> <p>2. No.</p> <p>3. -</p> <p>4. The documents attesting the relevant higher professional qualifications are required in the stage of approval of an employer's application for highly qualified employment, when the person concerned has not yet entered the greek territory. Also, all documents need to be officially translated and validated, according to national legislation.</p> |
|  | EMN NCP Hungary | Yes | <p>1. No clear distinction between regulated and unregulated professions.</p> <p>2. No</p> <p>3. N/A</p> <p>4. Qualifications are examined on a profession by profession basis. The immigration authority in cooperation with the labour authority and other relevant actors (companies, professional associations) verifies each documentation on the applicant's professionalism to avoid misuses.</p> |


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| ■ | EMN NCP Italy | Yes | <p>1. Yes, Article 27 - quater of the Legislative Decree <i>No. 286/1998</i>, lists requirements and qualifications that are alternatively held by highly qualified third-country nationals workers, dedicating a separate letter of the article to the satisfaction of: <i>"(b) the requirements provided for in Legislative Decree No. 206 of November 6, 2007, limited to the exercise of regulated professions."</i></p> <p>2. Yes, it does.</p> <p>3. Professional certificates and qualifications are initially assessed by the relevant national authorities and if they deem them suitable, the visa office, during the submission of the application for an entry visa by a third-country national, will verify that the documents presented are original, translated and legalized, or provided with Apostille in the required cases.</p> <p>4. /</p> |
| ■ | EMN NCP Latvia | Yes | <p>1. Yes.</p> <p>2. No.</p> <p>3. N/a</p> <p>4. If TCN wants to receive a European Union blue card and will be employed in a profession that is included in the first or second basic group mentioned in the national statistical classification "Classifier of Professions", but he has not obtained higher education in a study program, the duration of which is in the profession or industry specified in the employment contract or job offer has at least three years, he must have at least five years of professional experience in this profession or industry, and submit a certificate of professional experience in the profession and industry in which he will be employed in the Republic of Latvia, indicating the name of the employer, registration number, legal address, period of legal employment relationship with the specific employer, foreigner's position or specialty and main job duties.</p> |


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| | | | <p>If the foreigner had employment legal relations with several employers, provide information about each of them.</p> <p>The procedure for the recognition of the employee's qualifications is processed by each individual applicant before submitting the documents. The Office of Citizenship and Migration Affairs can check the compliance of the submitted documents.</p> <p>For example in this case, it is sufficient if the education document issued in another country is certified with an Apostille.</p> |
|  | EMN NCP Lithuania | Yes | <p>1. Yes. According to Article 44^{1.1.2} of the Law on the Legal Status of Foreigners, among other requirements, it is stipulated that a temporary residence permit (European Union Blue Card) may be issued or amended to an alien who intends to work in a job requiring a high level of professional qualification, provided that a document is submitted confirming that the foreigner fulfils the conditions laid down in the legislation of the Republic of Lithuania for the exercise of the regulated professional activity specified in the employment contract, and in the case of a non-regulated professional activity - the information from the employer on the high level of the foreigner's professional qualifications related to the job to be performed. This provision is complemented by sub-paragraphs 29.3.1 and 29.3.2 of the Description of the Procedure for Issuing Temporary Residence Permits.</p> <p>2. No.</p> <p>3. N/A</p> <p>4. Under Lithuanian law, it is the employer who must ascertain that the employee has high level of professional qualification and confirm this in the mediation letter. If the Migration Department has doubts regarding the veracity of this information, it has the right to request the applicant to submit the documents. Confirming the validity of the submitted documents is done on a case by case basis.</p> |

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|  | EMN NCP Luxembourg | Yes | <p>1. Yes. Luxembourg does not have yet transposed the Directive 2021/1883. The bill n° 8304 was introduced in Parliament on 30 August 2023. Bill n° 8304 is transposing article 5 (1) b) and c) of the Directive by amending article 45 (1) 2 of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) which will read that the applicant must “present documents attesting that he/she possesses the high professional qualifications required for the practice of the unregulated profession or that he/she satisfies the conditions required for the practice of the regulated profession indicated in the employment contract.”The legislator states in the commentary on the article (bill n° 8304 p.10) that “Article 45(1), relating to admission criteria, remains unchanged, except that the wording of point 2 relating to the documents required to demonstrate professional qualifications is slightly adapted in order to reproduce in full the requirements of the Directive as regards the documents to be produced for non-regulated professions.” So the bill distinguishes between the documents that are required for the practice of the unregulated profession and the satisfaction of the conditions required for the practice of the regulated profession.</p> <p>2. Yes.</p> <p>3. The proposed amendment of article 45 (1) 2) talks of high professional qualifications. Article 45 (2) d) defines “high professional qualifications” as qualifications attested by a higher education diploma or attested by high professional skills.</p> <p>Regarding higher education diploma: For unregulated professions, the registration in the higher education section of the register of certificates is the normal procedure for academic recognition of foreign higher education diplomas. This registration confers the right to carry an academic title; and provides information on the corresponding level in the Luxembourg Qualifications Framework (Cadre luxembourgeois des qualifications - CLQ). It should be noted that the CLQ is aligned with the European Qualifications Framework (EQF). Academic recognition applies solely to the formal qualification or academic degree. It does not include recognition of the content of the studies and therefore does not confer entitlement to exercise a</p> |
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| | | <p>profession. The applicant must provide the following supporting documents: a) a copy of the diploma/degree certificate to be entered in the register of formal higher education; b) a copy of the diploma supplement or, if not available, a copy of the academic transcript; c) an academic and professional curriculum vitae (CV); d) a copy of an identity document; e) a copy of the valid residence permit issued by a member State of the European Union (applies to applicants who are not nationals of a Member State of the European Union, of a member state of the European Economic Area or of the Swiss Confederation).</p> <p>Regarding high professional skills:</p> <p>The proposed article 45 (2) f) defines high professional skills: i) as regards the professions of manager and specialist in information and communication technologies who have acquired at least three years' experience relevant professional experience during the seven years preceding the application for a residence permit for a highly qualified employment and belonging to the "133 Managers, information and communication technologies" or "25 Information and communication technology specialists" groups of the ISCO-08 classification: knowledge, skills and competences attested by professional experience of a level comparable to higher education diplomas, which are relevant to the profession or sector indicated in the work contract, and which have been acquired during the above-mentioned period for each profession concerned; ii) as regards other professions: knowledge, skills and competence attested by at least five years' professional experience of a level comparable to higher education diplomas and which are relevant to the profession or sector indicated in the employment contract.</p> <p>According to the Grand-Ducal regulation of 7th Juli 2023, in order to have their higher education diploma entered in the register of certificates, the third country national must have a residence permit for Luxembourg or for another Member State of the European Union. The procedure can therefore only be implemented once the immigration procedure has been completed.</p> <p>So, access of third country nationals to the labour market and unregulated professions is tied to the authorisation by the General Directorate for Immigration. However, anyone who holds a foreign higher education diploma and wishes to carry the related academic title is legally required to obtain the</p> |
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| | | | <p>academic recognition first (this applies to all nationalities). Moreover, employers may require the diploma recognition in the context of a recruitment</p> <p>4. N/A.</p> |
|  | EMN NCP Netherlands | Yes | <p>1. Yes. In order to exercise a regulated profession in the sense of article 1 of the General Law on the Recognition of EU Professional Qualifications (Algemene Wet erkenning EU-beroepskwalificaties) (footnote 1) recognition of the professional qualifications in the meaning of article 5 of that Law is required. For non-regulated professions, documents attesting to higher professional qualifications which are relevant in that profession or sector are required.(footnote 2)Footnote 1: https://wetten.overheid.nl/BWBR0023066/2021-08-26/#Hoofdstuk1_Artikel1. In the Netherlands, this Law implements Directive 2005/36/EC on the recognition of professional qualifications.Footnote 2: Art. 3.30b, lid 1, sub c, of the Aliens Decree 2000 (Vreemdelingenbesluit 2000).</p> <p>2. Yes</p> <p>3. In the Netherlands, Nuffic (The Dutch organisation for internationalisation in education) has to perform a credential evaluation of the higher professional qualification in case a third-country national applicant wishes to engage in an unregulated profession, comparing the foreign qualification to the Dutch equivalent. The applicant or its economic sponsor (referent) first has to ask Nuffic to perform the credential evaluation before applying for a residence permit. If the credential evaluation has a positive outcome, the applicant has to attach this evaluation to his/her/theirs application to the Immigration- and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND) for a European blue card residence permit. (footnote 3)Footnote 3: Immigration and Naturalisation Service (IND), 'European blue card residence permit, requirements', https://ind.nl/en/residence-permits/work/european-blue-card-residence-permit#requirements, last accessed on 26 February 2024.</p> <p>4. N/a</p> |

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|  | EMN NCP Poland | Yes | <p>1. N/A</p> <p>Please be informed that Poland has not yet implemented the provisions of Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment and repealing Council Directive 2009/50/EC (Official Journal of the EU L 382/1 of 28.10.2021, p. 1) into the national legal order. Currently, the draft law on amendments to the Act on Foreigners and certain other laws, which transposes the aforementioned directive into the Polish legal order, has been referred to inter-ministerial arrangements and public consultations. Due to the above, at the current stage of work on the draft law, we cannot indicate how Article 5(1)(b) and (c) of Directive (EU) 2021/1883 has been implemented into national law.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> |
|  | EMN NCP Portugal | Yes | <p>1. Yes, in the national legislation in force transposing Article 5(1)(b) and (c) of Directive (EU) 2021/1883, does your Member State distinguish between the requirements for documents attesting the relevant qualifications or compliance with the conditions laid down for the exercise of the profession applicable to regulated and non-regulated professions, respectively? - On the basis of the national legislation in force Article 121b(d) and (e) of LAW 53/2023 of August 31 transposing Directive (EU) 2021/1883 Law 53/2023, of August 31, transposes Directive (EU) 2021/1883 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, amending Laws 23/2007, of July 4, 53/2007, of August 31, 63/2007, of November 6, 27/2008, of June 30, and 73/2021, of November 12. This law entered into force on October 29, 2023. Article 121b[...]1 - An 'EU Blue Card' shall be granted for the purpose of exercising a highly qualified activity to a third-country national who, in addition to the conditions set out in article 77(1)(a) to (d) and (f) to (j) and (2), cumulatively meets the following</p> |


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| | | <p>requirements:a) Present an employment contract or work promise contract compatible with the exercise of a highly qualified activity and of a duration of not less than six months, corresponding to an annual remuneration of at least 1.5 times the national average gross annual salary or, in the cases provided for in Article 61a(2), at least 1.2 times the national average gross annual salary;b) [...]c) Is registered with social security, where applicable;d) [...]e) [...]</p> <p>2. In the case of a regulated profession, hold high professional qualifications, duly proven in accordance with the provisions of Law no. 9/2009, of March 4, or a specific law on the recognition of professional qualifications, necessary for access to and exercise of the profession indicated in the employment contract or promise of employment contract;In the case of a non-regulated profession, hold high professional qualifications appropriate to the activity or sector specified in the employment contract or promised employment contract.However, Article 61 A - Residence visa for highly qualified activity carried out by a subordinate worker of Law no. 23/2007, of July 4th states:1 - Without prejudice to the provisions of Article 52, a residence visa shall be granted for the exercise of a highly qualified activity carried out by a subordinate worker to third-country nationals who:a) Holds a valid employment contract or promise of employment contract of at least one year and six months duration, corresponding to an annual remuneration of at least 1.5 times the national average gross annual salary or three times the social support index value (IAS);b) In the case of a regulated profession, hold high professional qualifications, duly proven in accordance with the provisions of Law no. 9/2009, of March 4, or a specific law on the recognition of professional qualifications, necessary for access to and exercise of the profession indicated in the employment contract or promise of employment contract;c) In the case of a non-regulated profession, hold high professional qualifications appropriate to the activity or sector specified in the employment contract or promised employment contract.2 - For the purposes of employment in professions belonging to major groups 1 and 2 of the International Standard Classification (ISCO), indicated by Resolution of the Council of Ministers, subject to the prior opinion of the Standing Committee on Social Dialogue, as professions particularly in need of workers from third countries, the salary threshold provided for in paragraph 1(a) must correspond to at least 1.2 times the national average gross salary, or twice the IAS.3 - When there is doubt as to the framework of the activity and for the purposes</p> |
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| | | | <p>of verifying the suitability of the third-country national's professional experience, the ministries responsible for the areas of employment and education and science shall issue an opinion prior to granting the visa.</p> <p>3. N/A</p> <p>4. DGERT - Directorate General for Employment and Labor Relations, is a supervisory authority and is responsible for the process of transposing EU directives into national legislation within its remit. As the coordinating body for the recognition of professional qualifications, DGERT coordinates the activity of all national authorities in the exercise of their competences, regardless of their nature. DGERT'S DUTIES AND POWERS DGERT monitors the regulation of professions and coordinates the national system for recognizing professional qualifications. In addition to DGERT, other bodies also exercise competences related to the regulation of professions: The National Agency for Qualification and Vocational Education, IP. (ANQEP) - which is responsible for ensuring the articulation of the systems for access to and exercise of professionals or professional activities with the National Qualifications System, for the non-higher education system. the Directorate-General for Higher Education (DGES), which is responsible for ensuring the articulation of the systems for access to and exercise of professionals or professional activities with the higher education system. Within the scope of the specific regime governing the creation, organization and operation of public professional associations, approved by Law no. 2/2013, of January 10, DGERT has no powers assigned to it, except for the provisions of Article 2(4) of Law no. 2/2021, of January 21, regarding the assessment of proportionality. As the coordinating body for the recognition of professional qualifications, DGERT coordinates the activity of all national authorities in the exercise of their competences, regardless of their nature. DGERT is an Assistance Center at EU level respectively in Portugal: List of national websites concerning regulated professions: https://ec.europa.eu/growth/tools-databases/regprof/nationalwebsites</p> |
|  | EMN NCP Serbia | Yes | <p>1. The process of recognition of a diploma in a regulated profession and a diploma in an unregulated profession is the same.</p> |


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| | | | <p>2. Yes.</p> <p>3. There are 2 types of recognition procedure for foreign diplomas of higher education. First is for the purpose of education, second one is for the purpose of employment. In the case for the purpose of employment, the procedure is as follow: the applicant has to fill out the online form, and upload the scans of original diploma, diploma supplement/transcript, translations of these, ID or passport, short biography, proof of payment. In case it is a master or a PhD, it has to additionally upload scans of previous higher education diplomas with diploma supplement/transcript and translations if they are in foreign language. PhD applicants also have to provide an abstract of their thesis, the full thesis and list of published scientific works. When we finish the recognition process, the applicant brings the originals for inspection plus notarized copies and translations. Then he receives his recognition paper, which is a formal, legal document.</p> <p>The recognition for the purpose of education is different and is conducted through educational system.</p> <p>4. n/a</p> |
|  | EMN NCP Slovakia | Yes | <p>1. No. Slovakia requires the recognition of qualification obtained abroad in both cases.</p> <p>2. Yes.</p> <p>3. In the Slovak Republic, the recognition of qualifications is a separate process handled by the applicant. The recognition decision must be obtained by the applicant before applying for the Blue Card, as it is a mandatory part of their Blue Card application. For unregulated professions, the applicant has to contact a university that offers a course/degree that corresponds to that which the applicant undertook in the country of origin and request a confirmation of equivalence.</p> <p>4. NA</p> |


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|  | EMN NCP Slovenia | Yes | <p>1. Slovenia has not yet implemented Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC. The draft amendments to the Employment, Self-employment and Work of Foreigners Act have been drawn up, and are planned to be adopted this year.</p> <p>As regards the admission of a third-country national under this Directive, an applicant for an EU Blue Card shall, for unregulated professions, present documents attesting to relevant higher professional qualifications in relation to the work to be carried out.</p> <p>Higher professional qualifications means qualifications attested by evidence of higher education qualifications or higher professional skills.</p> <p>Higher education qualifications means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting to the successful completion of a post-secondary higher education or equivalent tertiary education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution or equivalent tertiary educational institution by the State in which it is situated, where the studies needed to acquire those qualifications last at least 3 years and correspond at least to ISCED 2011 level 6 or, where appropriate, to EQF level 6, in accordance with national law.</p> <p>Higher professional skills means:</p> <p>(a) as concerns the occupations listed in Annex I, knowledge, skills and competences attested by professional experience at a level comparable to higher education qualifications, which are relevant to the profession or sector specified in the work contract or binding job offer, and which have been acquired over the duration set out in Annex I for each relevant occupation;</p> <p>(b) as concerns other occupations, only where provided for by national law or national procedures, knowledge, skills and competences attested by at least 5 years of professional experience at a level</p> |
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| | | | <p>comparable to higher education qualifications and which are relevant to the profession or sector specified in the work contract or binding job offer;</p> <p>As regards the admission of a third-country national under this Directive, an applicant for an EU Blue Card shall, for regulated professions, present documents attesting to the fulfilment of the conditions set out under national law for the exercise by Union citizens of the regulated profession specified in the work contract or binding job offer, in accordance with national law.</p> <p>In individual cases, it can be completely identical documents</p> <p>2. Yes</p> <p>3. The recognition is carried out as a part of the process of assessing the application and handled by the responsible authority.</p> <p>4. N/A</p> |
|  | <p>EMN NCP Sweden</p> | <p>Yes</p> | <p>1. Sweden has not yet implemented the directive into national law. Sweden is in the process of implementing the directive but the considerations on different choices are still ongoing.</p> <p>2. -</p> <p>3. -</p> <p>4. -</p> |
