



EMN Ad-Hoc Query on AHQ on start-up policies for third-country nationals (part 1)

Requested by Barbara ORLOFF on 12th June 2017

Economic Migration

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (23 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.

Background information:


In recent years, many Member States, including Estonia, have introduced into their national legislation the possibility to apply for start-up visas/and or residence permits.


The EMN Annual Conference held in the framework of the Estonian Presidency of the Council of the EU focuses on talent migration and one of the major topics addressed is the mobility of startup founders and employees. This AHQ will serve as an input to the conference, but also to an inform that will be written later in the year. Please note that the AHQ is divided into two parts due to the amount of information asked.



Questions



1. Does your MS's legislation foresee special visas/residence permits to facilitate the immigration of TCN a. start-up founders and/or b. start-up employees? Yes/No
2. If yes, does your MS's legislation define a start-up? If yes, please provide the definition.
3. If yes, what are the requirements and process for applying for such visa and/or residence permit?
4. If yes, who assesses the eligibility for such visas/residence permits (for instance, Estonia has established a special committee to assess the business idea's compatibility with an established startup definition)?
5. If yes, what is the processing time for the application according to law?
6. If no, is your MS planning to introduce such regulations in coming years?

Responses

	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. a. The Austrian legislation foresees a residence permit called Red-White-Red – Card for self-employed key workers (Art. 41 para 2 subpara 4 in conjunction with Art. 24 Act Governing the Employment of Foreigners). This residence permit also applies to start-up founders. b. No. There is no special residence permit or visa for start-up employees.</p> <p>2. There is a definition of newly founded enterprises in Art. 2 of the Act on the Promotion of Newly</p>


			<p>Founded Enterprises (Neugründungsförderungsgesetz). However, this definition is not used within the framework of the Austrian aliens law.</p> <p>3. In general, a first application for a residence permit has to be filed abroad at the competent Austrian embassy (Art. 21 Settlement and Residence Act). The application generally has to be forwarded to the competent settlement and residence authority in Austria. This authority has to request an expertise of the Public Employment Service on the overall economic benefit of the planned economic activity, in particular with respect to the transfer of investment capital or the creation and safeguarding of jobs (Art. 24 Act Governing the Employment of Foreigners). Also the general requirements for obtaining a regular residence title have to be met (Art. 41 Settlement and Residence Act; see the EMN study on the organization of the asylum and migration policy in Austria of 2015, p. 34–35). If a residence permit can be issued and a visa is required for entry, the settlement and residence authority notifies the embassy that an entry visa may be issued. In the following, the foreigner may apply for a visa, come to Austria and receive the residence permit (see Art. 23 para 2 Settlement and Residence Act).</p> <p>4. Please see the response to Question 3.</p> <p>5. The decision has to be taken as soon as possible, but at the latest within 8 weeks (Art. 41 para 3 Settlement and Residence Act).</p> <p>6. N/A.</p>
	Belgium	Yes	<p>1. The Belgian legislation does not foresee special visas/residence permits for start-up founders or start-up employers.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>

			<p>5. N/A</p> <p>6. Not to our knowledge</p>
	Croatia	Yes	<p>1. 1.No A business visa is also the appropriate visa for a person seeking to establish a business. Business visas are issued the entire period of the assignment, but for no longer than one year when they must be renewed. Business visas are separate from the work permit, and foreign nationals in possession of a business visa must also apply for a work permit upon entry into Croatia.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	Cyprus	Yes	<p>1. a) Yes b) Yes (with restrictions)</p> <p>2. No, the legislation does not define the term "start-up".</p> <p>3. Step 1: Submit an application form for the establishment / operation / development of a startup with a high growth potential Step 2: Evaluation of the Application for the establishment / operation / development of a startup with a high growth potential Step 3: Submit an Application and Entry in the Republic of Cyprus Step 4: Submit an Application for Work and Residence permit Step 5: Submit an Application for the Renewal of a Residence Permit in Republic Please see attached document for the detailed procedure. It can also be accessed through: http://www.reform.gov.cy/en/growth-reform/entrepreneurship-and-investments/startup-visa</p> <p>4. The Competent Authority for evaluating the business plan is the Ministry of Finance or any other</p>

			<p>authority designated by the Ministry of Finance. When the applicant obtains the Notification of Initial Approval while abroad, then he/she shall submit an application for an entry permit to Cyprus, or if he/she is legally residing in Cyprus, an application for residence and work permit, at the Civil Registry and Migration Department. The application will be reviewed within three (3) weeks after its complete submission.</p> <p>5. According to the Scheme, not the Law, expedited procedures are being applied. Therefore, within 3 weeks the application for residence permit should be examined.</p> <p>6. 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> <p>5. N/A</p> <p>6. No, but we are going to launch a migration project for start-ups (facilitation of migration procedure).</p>
	Estonia	Yes	<p>1. Yes. Estonian legislation foresees special visa and residence permit for TCN start-up founders as well as startup employees.</p> <p>2. According to the Aliens Act a start-up company is a business entity belonging to a company registered in Estonia, which is starting operation with the purpose to develop and launch such business model with high global growth potential, innovative and replicable that shall significantly contribute to the development of the Estonian business environment.</p> <p>3. Stage I: Applying for assessment of the start-up If a TCN applies for a visa or a temporary residence permit for employment in a start-up or for founding a start-up company or their extension, an appointed</p>

		<p>administrative body has to assess whether the company in question is a start-up according to the Aliens Act. The Minister of the Interior has established by a regulation the requirements and procedure for assessment of the compliance with the specification of a start-up company, the list of data and evidence to be submitted for that purpose and the requirements for the submission thereof. In order to apply for the start-up visa or a residence permit as a foreign founder, the individual has to fill an application in Startup Includer about the startup for the Startup Committee and receives a unique application code as a result. Startup Committee, consisting of members of the Estonian start-up community, will then review the application about your start-up and make a decision within 10 working days whether your company qualifies for pursuing the start-up visa or not. In case the company qualifies for pursuing the start-up visa or residence permit, the individual can go on and apply for it at an Estonian Embassy in a city of your choosing or at a Service Point for the Estonian Police and Border Guard Board, using your unique application code. In order to recruit non-EU employees to work at an Estonian start-up, it is also possible to apply for a start-up visa. The start-up has to fill out an application in Startup Includer for an assessment by the Startup Committee unless the start-up has not already been automatically included among the Estonian start-ups that can hire non-EU employees on preferential terms when the law came into force (Jan 2017). Startup Committee will review the application about the start-up and make a decision within 10 working days whether the company qualifies for the start-up visa or not. In case of a positive decision, the start-up will generally be qualified for up to 5 years for bringing non-EU employees to Estonia on preferential terms. Stage II: Applying for a visa or a temporary residence permit on preferential terms When it comes to start-up founders, who do not have a registered company in Estonia, it is possible to apply for a start-up visa. In case the individual already has a registered company in Estonia, they can apply for either a start-up visa or a temporary residence permit. When it comes to start-up employees, if their employment is for a shorter term, the start-up employer needs to apply for their registration for the short-term employment and the employee will need to apply for a visa. If the employment is, however, for a longer term, the employee will need to apply for a temporary residence permit at an Estonian Embassy in a city of their choosing or at a Service Point for the Estonian Police and Border Guard Board; Upon submitting the application for a visa, documents indicating the sufficient means of subsistence must also be presented. When applying for a start-up visa, it is required that the applicant holds a minimum of 130 euros for every month planned to spend in Estonia. To employ a third-country national, the company must be registered in Estonia. To register a company in Estonia, the company must be established in Estonia. If as a general rule an employer is obliged to pay a TCN whose short-term employment in Estonia has been registered a remuneration in the amount equal to at least the annual average</p>
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			<p>gross monthly salary last published by Statistics Estonia, then this requirement is not be applied in case of employment in a start-up company. A temporary residence permit for employment may be issued without meeting the requirement for permission of the Estonian Unemployment Insurance Fund and without meeting the requirement for the amount of remuneration to be paid to a TCN in case of employment in a start-up company. A temporary residence permit for start-up enterprise may be issued without the usual requirement for the amount of investment.</p> <p>4. Estonia has established an expert committee to assess the enterprise’s compatibility with an established start-up definition. The expert committee is formed by the Minister of the Interior. The aim of the committee is to give a professional opinion in the course of an administrative procedure about whether the enterprise in the visa or residence permit application qualifies as a start-up according to the Aliens Act. There are also some exceptions when a residence permit or a visa for start-up may be issued without the expert opinion (e.g. participating in official accelerator programs).</p> <p>5. As a general rule in Estonia the application for temporary residence permit is reviewed and a decision about granting a temporary residence permit or refusal to give a temporary residence permit is made within two months as of the submission of the application or after the elimination of the deficiencies in the application. The expert committee gives the professional opinion whether the business is a start-up in ten days after receiving all the relevant information and evidence. The applicant will be informed about the expert committee’s opinion by e-mail or in other appropriate way.</p> <p>6. N/A</p>
+	Finland	Yes	<p>1. Not at the moment.</p> <p>2. -</p> <p>3. -</p> <p>4. -</p>

			<p>5. -</p> <p>6. Yes. The government's proposal on special residence permit for start up entrepreneurs will be submitted to the Parliament in autumn 2017.</p>
	France	Yes	<p>1. The law of March 7, 2016 related to foreign national's rights in France created a residence permit for talented people called "Talent passport" in order to facilitate the access to the national territory for high skilled third-country nationals. This residence permit concerns several categories of high skilled TCN. Two categories in particular are concerned as start-up founders and start-up employees. This residence permit can be valid up to 4 years. Regarding start-up founders: The residence permit "Talent passport" can be granted to the applicant who carries out an innovative economic project, recognized by a public entity in France. The duration of this residence permit depends on the characteristics of the project presented by the TCN, up to a maximum period of 4 years, renewable. (article L. 313-20 °6 and R. 313-61 to R. 313-62 of the Code on Entry and Residence of Foreigners and Right of Asylum - CESEDA) Regarding start-up employees: The residence permit "Talent passport" can be granted to the employees of a company recognized as young innovative enterprise ("jeune entreprise innovante"). These employees have to be graduates and hold an employment contract (with a fixed term of at least 3 months or indefinite term). Moreover, the employees concerned must receive a wage at least equal to twice the minimum wage (ie. 35,526 €). The duration of the residence permit granted is the same as the duration of the employment contract presented to support the application, up to a maximum period of 4 years, renewable. (article L. 313-20 °1, R. 313-42 of the CESEDA) French Tech program: Besides, the "Talent passport" residence permit, France introduced in January 2016 a specific program called "French tech program" to encourage foreign entrepreneurs to come and create their start-up. This program foresees a "French Tech Visa" which is a simplified, fast-track procedure to obtain a "Talent Passport" for 3 categories of international talent: international startup founders, international employees of French companies in a hyper-growth stage and international investors. The French Tech Visa is offered to foreign tech talent accompanied or recruited by identified actors of the French Tech ecosystem: French Tech partner startup incubators and companies selected for their hyper-growth status. This program also foresees a competition of international start-up with an attractive welcome package for the winners. Within the framework of this competition, winners can benefit from the accelerated and simplified procedure for the issuance of the residence permit "passport talent" above</p>

mentioned.



2. French legislation has created a specific tax status dedicated to "young innovative enterprise" (jeune entreprise innovante). This term is defined in Article 44 sexies-0 A of the General Tax Code. A company is qualified as a young innovative enterprise when it simultaneously fulfills the following conditions: It is a small or medium-sized company (less than 250 employees), with a global turnover of less than 50 million euros for the year concerned; It has been established for less than eight years; it must have carried out a certain amount of research expenditure or be directed or held directly by at least 10% of students, young graduates or research scientists and must have as main activity the valorisation of researches. In addition, the holders of the company capital must belong to one of the categories provided for in the article. As there is no legal definition, the French tech program defines a start-up as a young company with a worldwide ambition that looks for a strong and fast growth economic model. According to the French tech program, start-ups are innovation-based and explore new products or services. Their value depends entirely or partly on digital technologies, as in healthcare technologies (medtech), green technologies (cleantech), biotechnology (biotech), finance (fintech) or industrial companies.



3. Regarding start-up founders: In addition to the documents requested in any applications for residence permits, TCN who carries an innovative economic project must present for its application for "Talent passport" residence permit any document intended to establish the innovative nature of his economic plan in France, any document likely to establish the recognition of his project by a public entity and the justification that he has sufficient resources to support himself and, if necessary, his family members during his stay. (article L. 313-20 6° and R. 313-61 of the CESEDA) In the framework of the French tech visa, founders of international start-up can benefit from the accelerated procedure to obtain a "Talent passport" residence permit if their startup is selected by a partner incubator of the French program. Candidates will then apply for a residence card, stating that they benefit from the simplified and accelerated procedure. Details of this procedure are available in English on visa.lafrenchtech.com (<http://www.lafrenchtech.com/sites/default/files/documents/engdp-french-tech-visa.pdf>) Regarding start-up employees: In addition to the documents requested in any applications for residence permits and to tax payment, the TCN employed by a company with the status of young innovative enterprise must present for his application to the "Talent passport" residence permit: - An employment contract for a period of more than three months with a young innovative enterprise (above defined) established in France and justifying an annual remuneration of at least twice the minimum wage. - Any document establishing the status of the


young innovative enterprise and the direct link of the employment with the research and development project of the company. (article L. 313-20 1° and R. 313-45 of the CESEDA) In the framework of the French tech visa, international talents recruited by a French start-up can benefit from the accelerated procedure for obtaining a "Talent passport" residence permit. The company concerned provide to its employee a document attesting that it is entitled to propose the French tech visa procedure. The candidate submits the document to the prefecture or consulate when filing the application for the “Talent passport” residence permit. See Q1 for additional information

4. Concerning start-up founders applying for a “Talent passport”, the assessment of the innovative nature of their economic plan must have been done by a public entity. This could be either, the State, a local authority, a public entity or a public company. In order to benefit from the accelerated procedure to obtain a “Talent passport” residence permit in the framework of the French tech visa, the start-up founder must have been chosen by one of the 41 French partner incubators. Once one of the incubators has accepted a startup applicant, the incubator will send the application to the Regional Directorates for business, competition, labor and Employment (Direccte) for approval for a “Talent Passport”. The Direccte will issue an official letter attesting the innovative nature of the startup project, which the candidate will later present when applying for a visa and residence permit at the competent French Consulate or Prefecture. (<http://www.lafrenchtech.com/sites/default/files/documents/engdp-french-tech-visa.pdf>) Concerning start-up employees, they can benefit from the French Tech Visa through the company that will be recruiting the employee. The company will provide to the employee an official document attesting that it is eligible to recruit via the French Tech Visa, which the candidate will later present when applying for a visa and residence permit at the competent French Consulate or Prefecture. Start-up eligible to recruit via the French Tech Visa are identified by public institutions according to objective growth criteria. There are currently 67 French companies that can benefit from French Tech Visa for their recruitment of eligible foreign talent. At the end of the process, the issuance of the residence permit “passport talent” is dedicated to consular and embassy authorities if the TCN resides outside French territory and to the Prefect (administrative authority) if the TCN already legally resides on the French territory. (article R. 313-41 of the CESEDA)

5. No processing time period is foreseen in the French legislation. However, the refusal of the application may be implicit if the administrative authorities have not replied within 4 months following the filing of the application. (article R. 311-12 and R. 311-12-1 of the CESEDA)

			<p>6. Despite the fact that the actual legislation has been recently implemented, one of the main priorities of the new French government is to facilitate the arrival of international talents, students and young professionals. The government wants to improve the access of high-level students, professionals and researchers to the labor market.</p>
	Germany	Yes	<p>1. No. The general regulations for the stay for self-employment apply.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. No.</p>
	Greece	Yes	<p>1. NO</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p> <p>6. In case our country examines the possibility to introduce in the future legislative provisions for the entry and residence of third country nationals, it will be determined with the co-competent Ministries (eg Ministry of Economy and Development, General Secretariat of Research and Technology, etc)and will include certain eligibility criteria for the persons concerned (e.g start up companies which will activated in particular</p>


			sectors of technology, informatics etc)
	Hungary	Yes	<p>1. Yes, we foresee special visas for startups. Hungary's Digital Startup Strategy has been accepted by the government on 27 December 2016 with Government Decree 1858/2016.</p> <p>2. Not right now. The Digital Startup Strategy defines startups as "micro or small enterprises with large growth potential in the global market, which can be interpreted in terms of product, organization, business model or service innovation and are requiring external investment".</p> <p>3. The exact rules are not laid out yet as the strategy has been accepted by the government on 27 December 2016.</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. See answer to question 1.</p>
	Ireland	Yes	<p>1. Yes. Ireland has an immigration scheme, the Start-Up Entrepreneur Programme (STEP). This is an administrative programme - the particulars are not set out in legislation. The STEP was established to stimulate productive investment in the State and to offer residency in the State with its associated advantages to business professionals, who have a proven record of success, and their immediate family members. The STEP was devised to facilitate the relocation of international Entrepreneurs who have a business that would potentially fit the Enterprise Ireland High Potential Start Up (HPSU) eligibility criteria. The STEP is not an Investment scheme where persons not previously associated with the project can gain a residency permission by making an investment in the business.</p> <p>2. A start-up is not defined in legislation. A High Potential Start-Up (HPSU) is defined as a start-up venture that is: •</p> <p><input type="checkbox"/> Capable of creating 10 jobs in Ireland and realising €1 million in sales within three to four years of starting up •</p> <p><input type="checkbox"/> controlled in Ireland •</p> <p style="text-align: right;"><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p style="text-align: right;">curedfunding.com</p>



			<p>of €50,000 for their business proposal and €30,000 for any second or subsequent applicant.</p> <p>3. The Application and Evaluation process takes place in two stages. Stage One is the application for investment and immigration approval. At this stage the applicant will submit their application forms, supporting documentation and details of their enterprise proposal for approval by the Evaluation Committee. The Evaluation Committee decides and informs the Minister for Justice and Equality whether or not the person and their proposal is acceptable under the programme. At Stage Two, successful applicants are issued with residence permits when 1) the required funding has been transferred to a financial institution regulated by the Central Bank of Ireland and 2) the applicant, and if relevant their spouse/partner has submitted the required affidavit attesting to their good character and lack of criminal convictions. Further details on supporting documentation required are available in the Start-up Entrepreneur Programme 2016 Guidelines available on the website of the Irish Naturalisation and Immigration Service (INIS) here: http://www.inis.gov.ie/en/INIS/step-applic-guide-dec2016.pdf/Files/step-applic-guide-dec2016.pdf</p> <p>4. Applications for the STEP are considered on their merits in a qualitative examination by an independent interdepartmental Evaluation Committee, established under the programme, comprising of appropriate officials from the IDA; Enterprise Ireland; Department of Finance; Department of Foreign Affairs and Trade; Department of Jobs Enterprise and Innovation, and the Irish Naturalisation and Immigration Service who have the required skills and experience to evaluate the applications. However where projects require specific technical or other specialist evaluation the relevant Government Departments or State Agencies are contacted for input.</p> <p>5. The processing time is not set out in law. A schedule of windows for submission of applications to facilitate the work of the Evaluation Committee is published on the website of the Irish Naturalisation and Immigration Service (INIS). For example there are five such windows spread throughout 2017.</p> <p>6. N/A.</p>
	Italy	Yes	<p>1. Yes</p> <p>2. The legal framework for this matter refers to visas for “innovative start-ups”. It is defined by Law no. 221 of 17 December 2012 as companies with shared capital, the shares or significant registered capital shares of</p>


which are not listed on a regulated market nor on a multilateral negotiation system. These companies must also meet the following requirements: - Be new or have been operational for less than 5 years; - have their headquarters in Italy or in another EU country, but with at least a production site branch in Italy; - have a yearly turnover lower than 5 million Euros; - do not distribute profits; - produce, develop and commercialize innovative goods or services of high technological value; - are not the result of a merger, split-up or selling-off of a company or branch; - be of innovative character, which can be identified by at least one of the following criteria: o at least 15% of the company's expenses can be attributed to R&D activities; o at least 1/3 of the total workforce are PhD students, the holders of a PhD or researchers; alternatively, 2/3 of the total workforce must hold a Master's degree; o the enterprise is the holder, depositary or licensee of a registered patent (industrial property) or the owner of a programme for original registered computers.


3. There are two ways to obtain a start-up visa: through direct application or through certified incubator. Direct application. The applicant shall fill in a form explaining her/his start-up project (form available in English here: <http://italiastartupvisa.mise.gov.it/#direct-application-section-ISV>), to which she/he will enlose an copy of a passport. She/he shall also attach a cover letter to prove the applicant has the minimum financial resources for the innovative start-up (cover letter template available in English here: <http://italiastartupvisa.mise.gov.it/#direct-application-section-ISV>). The documentation shall then be sent to the Ministry of Economic Development, which shall reply within 30 days. In case of successful outcome, the applicant is provided with a leave to enter the territory for the purpose of building up an innovative start-up. Certified incubator. A certified incubator shall commit to host a start-up by filling in a specific form (form available in English here: <http://italiastartupvisa.mise.gov.it/#certified-incubator-section-ISV>), to which shall be enclosed a copy of a passport and a description of the project. She/he shall also attach a cover letter to prove the applicant has the minimum financial resources for the innovative start-up (cover letter template available in English here: <http://italiastartupvisa.mise.gov.it/#certified-incubator-section-ISV>). The documentation shall then be sent to the Ministry of Economic Development, which shall reply within 30 days. In case of successful outcome, the applicant is provided with a leave to enter the territory for the purpose of building up an innovative start-up.



4. In order to assess the suitability of applicants, the Ministry of Economic Development has created the Technical Committee "Italia Start-up Visa". The Committee is made up of qualified and nationally renowned associations, each of which exercises in a specific sector linked to the start-up environment. It notably includes: - The President of the venture capital commission of the Italian Association of Private

			<p>Equity and Venture Capital (AIFI); - The President of the Italian Association of Scientific and Technologic Parks (APSTI); - The President of the Italian Association of Informal Investors in Risky Capital / Italian Business Angel Network (IBAN); - The President of the Network for Valuing University Research (NETVAL); - The President of the Association of Incubators and Italian Academic Business Plan Competition (PNICUBE); - A representative of the Ministry of Economic Development who coordinates the Committee. The Committee is presided by the Director-General for Industrial Policy, Competitiveness and Small and Medium Enterprises, within the Ministry of Economic Development</p> <p>5. The processing time shall not exceed 30 days starting from the date of the complete submission of documentation.</p> <p>6. N7A</p>
	Latvia	Yes	<p>1. Latvian legislation foresees residence permit for start-up founders.</p> <p>2. start-up company – a capital company with a high growth potential the basic activity of which is related to the development, production or improvement of scalable business models and innovative products (Law On Aid for the Activities of Start-up Companies, Article 1)</p> <p>3. An application can be submitted abroad or while a person is staying legally in Latvia. Documents required: an application form with photo, travel document, proof of sufficient financial means, information on criminal record (for citizens from visa countries), proof of residence address in Latvia, health insurance policy and tbc test as well as detailed information on start-up and planned activities. 3 months after the foreigner has received a residence permit, the start-up shall be registered and the foreigner shall become a board member of this enterprise. After 6 months since the day when residence permit was issued there should be invested at least 30 000 EUR by the qualified risk capital investor and after 9 months this sum shall be duplicated (60 000 EUR investment in total).</p> <p>4. Initially the application will be examined by the Office of Citizenship and Migration Affairs. In case of doubt the opinion from the Investment and Development Agency of Latvia can be required.</p>

			<p>5. 30 days (5 and 10 working days possible too).</p> <p>6. N/A</p>
	Lithuania	Yes	<p>1. Yes. As from 1 Jan 2017.</p> <p>2. Yes An activity of an enterprise related to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania means new or substantially improved products (commodity or service) or a processes, new methods of marketing or organization, which will have a positive impact on economic and social development of the Republic of Lithuania in the fields of biotechnology, nanotechnology, IT, mechatronics, electronics and lasers.</p> <p>3. The institution evaluates the proposed activity (it needs to be in the above mentioned fields), proposed strategic plan, experience and education of an applicant or team members. If necessary an live interview is organized. If the activity is approved as having importance for the economic and social development of the Republic of Lithuania, the foreigner may apply for the residence permit.</p> <p>4. A special commission at the Enterprise Lithuania under the Ministry of Economy.</p> <p>5. Normal procedure - 2 months. Expedited procedure - 1 month.</p> <p>6. N/A</p>
	Luxembourg	Yes	<p>1. No. They have to apply as an independent worker in accordance with articles 51, 52 and 53 or as an investor in accordance with articles 53bis, 53ter and 53 quater of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law). The start-up employees if they are third-country nationals have to apply for an authorisation of stay as a salaried worker (articles 42 and 43 of the Immigration Law).</p> <p>2. No. There is no legal definition of start-ups.</p>


			<p>3. N/A.</p> <p>4. N/A.</p> <p>5. N/A.</p> <p>6. Even though Luxembourg promotes a start-up eco-system there are no plans for introducing such regulations.</p>
	<p>Netherlands</p>	<p>Yes</p>	<p>1. a) Yes b) No</p> <p>2. No</p> <p>3. A foreign national may qualify for a residence permit for the purpose of residence “Start-up” working on a self-employed basis, if: - The foreign national demonstrates that his product or service is innovative. Innovativeness may involve both technological and non-technological aspects. - The foreign national has a reliable and expert facilitator. - The Netherlands Enterprise Agency gives the Immigration Service (IND) a positive recommendation on the innovativeness of the product or service and on the reliability and expertise of the facilitator. - The foreign national and his facilitator are both registered with the Chamber of Commerce. - The foreign national has lasting and sufficient means of support. - There is no family relationship up to the third degree between the foreign national and his facilitator. Process for start-up founders Once the complete application for the start-up permit has been filed, the IND informs the Expatcenter and consults the RVO (Netherlands Enterprise Agency). The RVO considers firstly if the facilitator is trusted and qualified to act as a business mentor to the candidate and secondly if the product or service the candidate wants to build their business on is innovative. The IND then considers the application on the basis of this advice.</p> <p>4. The IND makes the ultimate decision about granting the start-up permit. Before taking a decision, the IND consults the Netherlands Enterprise Agency and seeks its advice about the quality of the business proposal and whether the facilitator is qualified and trusted.</p> <p>5. If the application is complete and includes all relevant documents, applicants will be notified of the</p>


			<p>official decision within 90 days. However, start-up applications are be given priority at the IND in order to ideally process them sooner (the current estimation is 7 weeks).</p> <p>6. N/A</p>
	Poland	Yes	<p>1. No. In Poland we grant only temporary residence permits issued for the purpose of conducting business activity.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. At the moment Poland does not have plans for such regulations.</p>
	Slovak Republic	Yes	<p>1. No (see also answer 6).</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. No. Special provisions regarding start-ups have already been introduced into the Slovak legislation within the amendment to the Act on Residence of Aliens this year. This act regulates more favourable conditions (accelerated procedure) for persons who wish to start a business in Slovakia a carry out a start-up project. This means a support to foreigners who apply for residence permit for the purpose of business and who</p>

			submit together with their application for residence permit also a business plan for the implementation of an innovative, so called start-up, project. This business plan is subsequently sent to the Ministry of Economy of the Slovak Republic which shall evaluate it. In case of a positive decision, the application shall be assessed within an accelerated procedure of 30 days. Once this kind of residence permit is granted, these persons, registered already as entrepreneurs in Slovakia, can participate in programmes for small and medium-size businesses, aiming at support of start-ups.
	Slovenia	Yes	<ol style="list-style-type: none"> 1. No. 2. NTA 3. NTA 4. NTA 5. NTA 6. We are still discussing the issue with relevant authorities.
	Spain	Yes	<ol style="list-style-type: none"> 1. Yes, the Spanish legislation foresees special entrance, stay and residence visa/permits to those foreign nationals who intend to start up, develop or run a business activity as entrepreneurs. 2. Act 14/2013, of 27 September, of support to entrepreneurs and their Internationalization (hereinafter, Act 14/2013) defines “entrepreneurial activity” in article 70.1 as follows: “Entrepreneurial activity will be deemed to be any innovative activity of special economic interest for Spain that, as such, has obtained a favourable report issued by the relevant Economic and Commercial Office of the geographic area or by the Directorate-General for International Trade and Investments”. 3. There are two kinds of requirements, (i) ones that has to comply the person who applies and (ii) others related to the activity. i. Requirements that has to comply the person who applies. These requirements depend on the type of permit (ex. Articles 62, 68 and 69 of Act 14/2013): <ul style="list-style-type: none"> • For visas to enter and stay in Spain for one year period with the sole or primary purpose of making preliminary arrangements in order to

be able to develop an enterprising activity, applicants have to comply with the Schengen Borders Code and the Visa Code, as applicable. • For a business activity residence permit for two years (renewable) valid throughout the national territory to start up, develop or run a business activity as entrepreneur, applicants shall provide evidence of compliance with the following conditions: a) Not be in Spain in an irregular situation. b) Be over 18 years of age. c) Have no criminal record in Spain or in the countries where they have resided for the past five years, for criminal offenses defined in the relevant Spanish legislation. d) Not be subject to an alert issued for the purposes of refusing entry in the territorial space of countries with which Spain has signed an agreement in this regard. e) Have a public or private health insurance policy with an insurance company authorised to operate in Spain. f) Have sufficient financial resources for themselves and for the members of their families during their residence in Spain. g) Have paid the visa or authorization processing fee. ii. Requirements related to the activity. • Applicants must meet the legal requirements necessary to start up the activity, as settle out in the relevant sectorial legislation. • The activity has to be proved “entrepreneurial”, as defined in Article 70.1 of Act 14/2013. To evaluate if the activity is entrepreneurial the Spanish system is based on a case by case analyses. In any case, it should be taken into account (ex, Article 70.2 of Act 14/2013): - First and foremost, the creation of jobs. - The applicant’s professional profile, his/her training and professional experience as well as his/her involvement in the project. If there are several partners, the participation of each one shall be assessed, both of those requesting a visa or permit and of those that do not require them. - The business plan including, at least, the following elements: 1st: Description of the project: business activity to be performed, start-up date, location, planned legal form of the company, potential economic impact of the investment, description of the estimated number of jobs that may be created and their duties and qualification, planned promotion activities and sales strategy. 2nd: Description of the product or service: the description shall be detailed and include the innovative aspects. 3rd: Market analysis: assessment of the market and expected evolution, description of the possible competitors, assessment of potential consumers and analysis of supply and demand. 4th: Financing: investment required, sources of financing and financial plan. - The added value for the Spanish economy, innovation and investment opportunities.

4. There is also a difference between (i) who assesses the applicant eligibility and (ii) who evaluates the activity eligibility. i. The applicant eligibility is assessed by: • The referred visas to enter and stay in Spain will be issued by the Diplomatic Missions and Consular Offices of Spain pursuant to Visa Code. • The business activity residence permit will be processed by the Unit for Large Companies and Strategic Economic Sectors (UGE-CE), including the use of electronic means, and they will be decided upon by the

			<p>Directorate-General for Migrations. ii. The activity eligibility is assessed by: • In the case of foreign nationals who are not in Spain, the relevant Economic and Commercial Office of the geographic area. • In the case of foreign nationals who are legally in Spain, the Directorate-General for International Trade and Investments. The application shall be addressed to the Unit for Large Companies and Strategic Economic Sectors which shall ex officio request a report on the entrepreneurial and business activity to the Directorate-General for International Trade and Investments.</p> <p>5. The processing time is: • For obtaining the visa to enter and stay: Decisions on visa applications will be made and notified within a period of ten working days, except for applicants who are subject to consultation as established in Article 22 of the Visa Code, in which case the decision-making period will be that provided as a general rule in the mentioned Code. • For obtaining the business activity residence permit: The maximum decision-making period will be twenty days from the filing of the application in the competent body. If no decision is reached within said period, the permit will be deemed to be granted due to administrative silence. • For obtaining the favourable activity report: This report, of a mandatory nature, shall be issued within a period of ten working days.</p> <p>6. Not applicable</p>
	Sweden	Yes	<p>1. No. Under Swedish immigration law, third-country nationals can be admitted as employees, and residence permits can also be granted to persons who want to start their own business in Sweden, transfer their existing business to Sweden, or acquire a Swedish business. But there is no special programme to facilitate such immigration.</p> <p>2. Not applicable.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> <p>6. Sweden has a shortage of professionals in certain industry sectors. The need to recruit professionals from</p>

			<p>abroad and whether or not the existing system for labour immigration to Sweden is sufficient to address such shortages is therefore sometimes a subject of debate among policy-makers and in expert circles. At this point in time, however, there are no concrete plans to fundamentally change the current system, or to introduce specific legal measures to facilitate the immigration of third-country nationals as start-up entrepreneurs.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. a) Yes. A third-country national who would like to come to the UK to start a business may be eligible to apply for a Tier 1 Entrepreneur visa. A specific Tier 1 Graduate Entrepreneur visa is also available for 2000 graduates per year. b) A start up employee would usually need to apply through the Tier 2 (General) route for skilled workers. Some digital technology jobs in small qualifying companies are on the Shortage Occupation List, meaning they are given additional priority when allocating Tier 2 places and employers do not need to carry out a Resident Labour Market Test. In addition, the Tier 1 Graduate Entrepreneur category allows graduates to work for other start-ups as well as developing their own business ventures, with an easier route for switching into Tier 2. Please see the guidance below for more information: Tier 1 (Entrepreneur) guidance https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607017/Tier-1-Entrepreneur-v19.pdf Tier 1 (graduate entrepreneur) guidance https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606690/T1-Graduate-entrepreneur-v15.pdf Tier 2 (skilled worker) guidance https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606182/Tier_2_Policy_Guidance_04_17.pdf In 2015, the Government commissioned the independent Migration Advisory Committee (MAC) to assess the economic benefit of the UK's provisions for non-EEA entrepreneurs. The MAC's report concluded that the Graduate Entrepreneur scheme works well; it has limited numbers and attracts high quality people. By contrast, the MAC concluded that the main Entrepreneur route has a long tail of low quality projects which contribute little or nothing to UK plc. The MAC suggests major reform of this route. The Government is considering the MAC's report carefully and will announce its response in due course.</p> <p>2. No</p> <p>3. In order to qualify for a Tier 1 Entrepreneur visa, the third country national must have access to at least £200,000 investment funds, or £50,000 investment funds from a specified source. Specified sources are UK</p>

		<p>regulated venture capital firms, government departments or approved seed funding competitions. They must also be at least 16 years of age, provide a business plan, meet the English language requirements, and be able to support themselves during their stay. They may be interviewed to confirm whether they genuinely have access to investment funds and intend to establish a business in the UK. Please see the relevant policy guidance for additional information https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-1-entrepreneur</p> <ol style="list-style-type: none">4. The decision is made by the Home Office who make all decisions on visa applications to the UK.5. The processing time is not defined in law, but decisions should be made within 3 weeks.6. N/A
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