



AD HOC QUERY ON 2019.102 Structure of authorities in charge of deciding and granting the residence permit and authorities deal with the appeals against the decisions

Requested by Ludmila Touskova on 15 November 2019

Compilation produced on 13 January 2020

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Sweden, United Kingdom plus Norway (22 in Total)

Disclaimer:

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

1. Background information

The Czech Ministry of the Interior is working on a pre-study regarding a new legislative framework of the entry and stay of foreign nationals in the territory of the Czech Republic.

In this regard the Ministry is considering changes in the structure and organisation of authorities involved in the legal migration procedures.

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.

The Czech Ministry of the Interior would therefore like to know which authority is in charge of deciding and granting the residence permit in your Member State and which authorities deal with the appeals against the decisions related to these residence permits.

2. Questions

1. What authority is in charge of examining and granting the residence permits? How is it structured (i.e. is it a special migration authority or is it a part of a larger organisation, such as a ministry)? Please explain.

2. In case of a negative decision against the granting of a residence permit: Can the third-country national appeal the decision before the administrative authority?

Available choices: Yes, No, Not Applicable

3. If your answer is YES: To which administrative authority can the TCN file the appeal? Is it a part of the same authority or is it another independent body?

4. Are the negative decisions against the granting a residence permit subject to judicial review?

Available choices: Yes, No

5. If YES: 1) please, explain and indicate which is the competent court? 2) How many instances are available? 3) Are these specialized (migration) courts or general courts? Please explain.

6. If the system of appeals in your Member State does not fit to these questions, please describe yours system briefly taking in consideration structure of our questions and logic of our reply.

We would very much appreciate your responses by **16 December 2019**.


3. Responses

1

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

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.

		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. The competent authority for granting a residence permit in Austria is the locally competent governor of the province. The governor of the province may authorize the district administrative authorities by decree to decide on all or certain cases if this is in the interest of the simplicity, expediency or economy of the administration (Art. 3 para 1 Settlement and Residence Act). The execution of the Settlement and Residence Act is a matter of "indirect federal administration". To that extent, the Settlement and Residence Act is to be implemented by the governor of the province in the individual federal states - and therefore in a decentralized fashion. The governor of the province has authority over the provincial government, which has the provincial administrative apparatus at its disposal. The governor of the province deals only partly with migration law and is rather in charge of general affairs.</p> <p>2. No</p> <p>3. n/a</p> <p>4. Yes</p> <p>5. The locally competent provincial administrative court shall decide on appeals against decisions of the governor of the province (Art. 3 para 2 Settlement and Residence Act). If need be, an appeal against the decision of the provincial administrative court can be lodged before the Supreme Administrative Court or the Constitutional Court (Art. 133 para 1 or Art. 144 para 1 Federal Constitutional Law). Therefore, a maximum of</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."



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.

			<p>two instances is available. The courts mentioned are general courts.</p> <p>6. n/a</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>2. Yes</p> <p>3. The Council for Alien Law Litigation (CALL) is competent to handle these appeals. The CALL is an independent administrative law court that specializes in migration. It is authorised to process appeals against decisions taken by the Immigration Office (return decisions or refusals to grant a residence permit) and the CGRS (refusal to grant international protection).</p> <p>4. Yes</p> <p>5. But only of the foreigner appeals. If the foreigner doesn't appeal, the negative decision won't be reviewed by a judge.</p> <p>Sometimes the appeals have a suspensive nature, sometimes not. The Council for Alien Law Litigation (CALL) is competent to handle appeals against decisions to refuse to grant a residence permits. Against a ruling of the CALL, a purely judicial appeal (which is always non-suspensive) can be introduced at the Council of State.</p> <p>If a decision to detain a person (so not a refusal to grant a residence permit) is taken by the Immigration Office, this decision can be appealed before the Court of first-instance (judicial authority) every month. An appeal can be lodged against the ruling of the Court before the Indictment Chamber at the Court of Appeal. Against this final decision, a purely judicial appeal can be introduced at the Court of Cassation.</p> <p>6. NA</p>


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.

	EMN NCP Bulgaria	Yes	<p>1. Prolonged residence permit requests are applied at and examined by the Migration Directorate and structures (sectors, groups) at the regional directorates of the Ministry of Interior. Long-term residence requests (up to 5 years) and permanent residence requests are applied at the Migration Directorate and structures (sectors, groups) at the regional directorates of the Ministry of Interior but are examined only by the Migration Directorate.</p> <p>2. Yes</p> <p>3. TCN can appeal at the same authority (Ministry of Interior) to a higher administrative level.</p> <p>4. Yes</p> <p>5. There are two instances. The first instance is the Administrative Court. The second instance is the Supreme Administrative Court. They are general courts. There are no specialized (migration) courts.</p> <p>6. N/A</p>
	EMN NCP Croatia	Yes	<p>1. The police administrations and police stations decide in the first instance on the request of temporary residence permit (including stay and work residence permit) based on the place of stay or the intended stay of the foreigner. When it comes to granting long-term residence permit (both national and EU long-term residence permit), the Ministry of Interior decides on the request. Against the decision of long-term residence permits only judicial review is possible.</p> <p>2. Yes</p>


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.

			<p>3. When it comes to temporary residence permit decisions brought by the police administrations and police stations, TCN can file the appeal to Commission for appeal, appointed by the Government of the Republic of Croatia. The Commission for appeal is independent body whose members are appointed by the Government of the Republic of Croatia from the employees of the Ministry of the Interior.</p> <p>4. Yes</p> <p>5. The review is provided by Administrative Court after a complaint (a complaint to the Administrative Court can be lodged after the negative decision of the above mentioned Commission in cases of granting temporary residence permit or after the negative decision of the Ministry in cases of granting long-term residence permit). There are 2 instances of judicial appeal. First - Administrative Courts (in Zagreb, Split, Osijek, Rijeka) and second - Supreme Administrative Courts in Zagreb. These are general courts.</p> <p>6. N/A</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. The competent authority is the (Director of the) Civil Registry and Migration Department, which is a department of the Ministry of Interior.</p> <p>2. No</p> <p>3. N/A</p> <p>4. Yes</p> <p>5. 1) The Administrative Court 2) An appeal against the decision of the Administrative Court can be filed to the Supreme Court. 3) Both Courts are general Courts.</p> <p>6. N/A</p>



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.

	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Department for Asylum and Migration (DAMP). It is the department of the Ministry of the Interior of the Czech Republic.</p> <p>2. Yes</p> <p>3. The TCN can file the appeal to the Commission on Residence of Foreign Nationals. The Commission is very specific because of its position in the system. It is the superior administrative body of the Ministry of the Interior for proceedings in which the DAMP decides in the first instance in accordance with the Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic. Furthermore, it is a subordinate body of the Minister of Interior and it is also an organisational part of the Ministry of the Interior. However, employees of the Commission are independent in decision-making. The Commission is from this point of view an independent administrative body (according the Sec. 1, par. 1 of the Act No. 500/2004 Coll. – Administrative Procedure Code).</p> <p>4. No</p> <p>5. The review is provided by Administrative Courts (a judicial appeal to the Administrative Court of the Czech Republic can be lodged after the final negative decision of the above mentioned Commission. The final judicial appeal is a cassation complaint to the Supreme Administrative Court in Brno which is defined as an extraordinary remedy against the final decision of a regional court in administrative justice). There are 2 instances of judicial appeal: 1. Regional Courts, 2. The Supreme Administrative Court.</p> <p>6. To summarise it, there are 4 instances in general (DAMP, Commission on Residence of Foreign Nationals, Administrative Court and Supreme Administrative Court).</p>


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.

	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. In Estonia the Police and Border Guard Board (PBGB) is in charge of processing and granting residence permits. The PBGB is an executive institution within the area of government of the Ministry of the Interior.</p> <p>2. Yes</p> <p>3. According to the Aliens Act within ten days as of the date of notification of the decision an appeal may be filed with an administrative court or a challenge may be filed against a decision on the issue of and refusal to issue, the extension of and refusal to extend and the revocation of a temporary residence permit or the refusal to review an application for a temporary residence permit. A decision on the challenge may be contested in an administrative court within the same term. In case a challenge is filed, the same authority (PBGB) is responsible for assessing the challenge. If making a decision on the issue of, refusal to issue, the extension of or refusal to extend a temporary residence permit is within the competence of the Government of the Republic, a challenge cannot be filed.</p> <p>4. Yes</p> <p>5. 1) The competent first instance court in residence permit matters is the administrative court; 2) Estonia has a three-level court System. Appeal against the decision of the administrative court can be submitted to the court of appeal (district court). The Supreme Court is the court of the highest instance. 3) There are no courts specialized specifically on migration matters in Estonia. The administrative court is specialized in administrative matters.</p> <p>6. N/A</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. The Finnish Immigration Service is the authority responsible for examining and granting the residence permits. It is a special migration authority located administratively under the Ministry of the Interior. More information: www.migri.fi/en</p> <p>2. Yes</p>

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.

			<p>3. The person can lodge an appeal to the first instance appeals body, the Administrative Court.</p> <p>4. Yes</p> <p>5. 1) The Administrative court is the competent authority 2) Two, the Administrative Court and the Supreme Administrative Court (a permission to lodge an appeal to the Supreme Administrative Court is required if the appeal is rejected in the Administrative Court). 3) The Administrative Courts are general courts. More information: https://migri.fi/en/appealing-a-decision</p> <p>6. N/a</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. Entry: If the French consular authorities in the country of residence reject the request for a visa, there is the possibility of an internal appeal to the French Consul in order to learn the reasons for the refusal and to request that the decision be overturned. If the informal appeal is not accepted, there is the possibility to appeal to the Commission de Recours contre les décisions de Refus de Visa d'entrée en France (CRRV - the Commission charged with visa refusal appeals). This procedure is a mandatory preliminary before any appeal to an administrative judge. It must be made within two months of the refusal of the visa. The Commission de recours contre les refus de visa d'entrée en France may recommend that the Minister of Foreign Affairs and the Minister of the Interior grant the visa. They may also expressly (in writing) or implicitly (by not responding within two months) reject the appeal. If the CRRV rejects the appeal or if the Ministers confirm the visa refusal despite the recommendation of the Commission, the applicant can, within the next two months, lodge an annulment appeal with the administrative tribunal of Nantes.</p> <p>Stay: The prefectures (the Departments' administrative centers) are responsible for issuing residence permits for foreign nationals entering France, if the foreign national wishes to remain in France for more than three</p>


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.

			<p>months, and for processing changes of status and renewals of immigration status.</p> <p>The prefecture also preliminarily accepts and investigates applications for permanent residence permits and naturalisation.</p> <p>In general, the applicant has to lodge his/her application to the competent prefecture of his/her place of residence.</p> <p>Structure: There are 101 prefectures in France, one for each department. The official in charge is the Prefect. The prefecture is an administration that belongs to the Ministry of the Interior, and is therefore in charge of the delivery of identity cards, driving licenses, passports, residency and work permits for foreign nationals, vehicle registration, registration of associations (creation, status modification, dissolution), and of the management of the police and firefighters.</p> <p>The prefect represents the national government at the local level and as such exercises the powers that are constitutionally attributed to the national government. The prefect issues ordinances written for the application of local law.</p> <p>There is an exception in Paris and its three surrounding departments. These departments are administered by a single prefecture for law enforcement and security purposes, called the Prefecture of Police. The power of law enforcement is usually invested in the mayor in other French communes. The other powers are held by the Prefect of Paris.</p> <p>2. Yes</p> <p>3. A negative decision against the granting of a first residence permit, against the renewal of a residence permit or the refusal of a change of status, there are three forms of appeal, including two administrative appeals:</p> <ul style="list-style-type: none">- The internal appeal is addressed to the authority that took and signed the decision to refuse (the Prefect);- The hierarchical appeal is addressed to the authority hierarchically superior to the one that took the decision (Minister of the Interior);
--	--	--	--


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.

			<p>- The third recourse is the contentious appeal which can be exercised before the competent administrative court. However, these appeals are not suspensive and do not authorise the stay of the foreign national on the territory of France. The appeal can be accompanied by a suspension application of the decision. If such a suspension is pronounced by the judge, the foreign national can stay on French territory until the judge has ruled on the appeal.</p> <p>4. Yes</p> <p>5. Following a denial of an internal or hierarchical appeal against the decision of the prefecture, the question of a contentious appeal arises. However, if the internal or hierarchical appeal were not brought in within the prescribed deadline of two months, the contentious one will be deemed inadmissible. The refusal of the residence permit can be immediately accompanied by an obligation to leave the country with or without a granted period for voluntary departure. The appeal against the obligation to leave the country (OQTF (obligation de quitter le territoire français) appeal) has necessarily to be lodged at the administrative court. In first instance the appeal has to be brought before the administrative court with territorial jurisdiction. On appeal, the competent court is the Administrative Appeal Court. In last instance, the Council of State may be addressed for a judicial review.</p> <p>6. N/A</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. The local foreigners authority is responsible as part of the administration of the municipalities and municipal associations (administrative districts).</p> <p>2. Yes Yes, unless this is excluded for individual measures in the law concerning residence.</p>


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.

			<p>3. Public authority deciding on a protest is usually the superior authority as the next higher instance.</p> <p>4. Yes</p> <p>5. Responsible in the first instance are the administrative courts as courts of the federal Länder. Also courts of the Länder are in the second instance the upper administrative courts and / or administrative courts. The third and highest instance of administrative jurisdiction is the Federal Administrative Court. The technical competence is determined according to the rules of procedure of the respective court and is basically organized according to fields of law (eg right of asylum, right of residence).</p> <p>6. n/a</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. In Hungary The National Directorate-General for Aliens Policing is in charge of examining and granting the residence permits. The National Directorate-General for Aliens Policing is a nationwide, independent budgetary body under the supervision of the Ministry of Interior. It continues to deal with matters relating to the entry, stay and settlement of foreign nationals. All these duties are performed with nationwide jurisdiction in 7 regional directorates and 24 branch offices.</p> <p>2. Yes</p> <p>3. In case of refusal, the decision may be appealed within 8 days of delivery. The appeal must be submitted to the authority of first instance, or at the Hungarian diplomatic or consular mission where the application was submitted. The National Directorate-General for Aliens Policing decides on the appeal in second instance.</p> <p>4. Yes</p> <p>5. The appeal against the decision can be addressed to the administrative and labour courts. Two levels of jurisdiction is available to the applicant. These are no special migration courts. Migration issues belong to the</p>


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.

			<p>general administrative and labour courts.</p> <p>6. The Hungarian system fits to these questions.</p>
	<p>EMN NCP Ireland</p>	<p>Yes</p>	<p>1. The Department of Justice and Equality. In the case of employment permits, the employment permit is granted by the Department of Business, Enterprise and Innovation. The employment permit holder is then required to register for immigration purposes with the Department of Justice and Equality and receive the Irish Residence Permit card.</p> <p>All third country nationals who are in the State for longer than three months are obliged to register with the immigration authorities and receive an Irish Residence Permit card on registration, plus a stamp in their passport indicating the reason for their permission to stay in the State - e.g. student, employment permit, free access to labour market, dependent spouse etc.</p> <p>2.</p> <p>3. For certain categories of applications, negative decisions can be administratively appealed.</p> <p>4. Yes</p> <p>5. Judicial reviews may be taken to the High Court, appealed to the Court of Appeal and further appealed to the Supreme Court. These courts are general courts. Immigration cases are included on an Asylum, Immigration and Citizenship list of cases. Judicial review is not a substantive appeal on the initial decision, but a review of the lawfulness of the decision in terms of how the decision was made and the fairness of it. Applications for judicial review are made to the High Court. The applicant first applies for leave to take the judicial review, followed by the judicial review proceedings if leave is granted. Section 5 of the Illegal Immigrants (Trafficking) Act 2000, as amended by section 34 of the Employment Permits (Amendment) Act 2014, provides that an application for judicial review in relation to certain immigration matters, including in relation to residence permissions, must be made within</p>


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.

			<p>28 days.</p> <p>6. .</p>
	EMN NCP Italy	Yes	<p>1. According to the Legislative Decree n. 286/1998 (Consolidated Act on Immigration), the authority responsible for examining and granting the residence permit is the Police Station. More specifically, according to the article 5 of the above mentioned legislative decree, the third country citizen entering the territory of the State must request the residence permit to the Chief of Police (Questore) responsible of the closest police station within eight working days from its entry in Italy. The residence permit is issued for the same reasons as the ones provided by the entry visa or by the provisions in force. With reference to short stays, the implementing regulations may provide for special issuing procedures especially for the reasons of tourism, justice, waiting for emigration to another State and for the exercise of the functions of minister of religion as well as stays in nursing homes, hospitals, civil and religious institutions and other kinds of cohabitations.</p> <p>2. Yes</p> <p>3. The third country citizen bearing legitimate interests recognized as relevant, can propose a hierarchical recourse to the Prefect against a series of non-definitive acts adopted by the Chief of Police (Questore) of the Province including the denial of the residence permit. The appeal must be presented within thirty days from the date of notification or administrative communication of the negative decision taken by the Chief of Police (Questore) and from when the person concerned has had full knowledge thereof. Against the Prefect's decision, the citizen may lodge an extraordinary appeal with the President of the Republic within 120 days of being informed of the contested measure, as an alternative to the Administrative Regional Court.</p> <p>4. Yes</p> <p>5. As described by article 5 of the Legislative Decree on Immigration (Consolidated Act on Immigration) the third country national can appeal the negative decision concerning the release of the residence permit before</p>



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.

			<p>the Regional Administrative Court. procedure is as follows: the third country national can appeal the decision of the Chief of Police regarding the issue of a residence permit in front of the place where the police headquarters issuing the contested measure are located within 60 days of notification. For family reasons instead, the refusal to grant authorization for family reunification and to grant a residence permit for family reasons in matters related to the right to family unity may be submitted to the specialized section on immigration, international protection and the free movement of citizens of the European Union set up by each Court in which the Court of Appeal has place, in relation to the place where the administration which issued the contested measure is situated. In both cases the applicant is required to pay the costs of the proceedings, in particular the unified contribution (which amounts to € 300,00), which is not required in the event of legal aid provided by the State. The decision of the Regional Administrative Court may be appealed before the Council of State within 60 days of notification of the decision. In the absence of notification, the time limit for appealing the decision is 6 months.</p> <p>6. With reference to the denial of the residence permit, the Italian legal system does not foresee any additional judicial reviews.</p>
	EMN NCP Latvia	Yes	<ol style="list-style-type: none"> 1. The Office of Citizenship and Migration Affairs is in charge of examining and granting the residence permits. It is a special migration authority. 2. Yes 3. If the decision was taken by an official of the Office of Citizenship and Migration Affairs the right to contest to the Head of the Office of Citizenship and Migration Affairs. 4. Yes 5. Administrative court. Three instances. A district administrative court adjudicate an administrative matter in the first instance.

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.

			<p>Appellate procedure in the Administrative regional court. Cassation procedure in the Administrative Department of the Senate of the Supreme Court.</p> <p>All courts is not specialized and deal with all administrative cases.</p> <p>6. N/A</p>
	EMN NCP Lithuania	Yes	<p>1. Migration Department is in charge for examining and granting residence permits. It is an institution under the Ministry of the Interior of the Republic of Lithuania, implementing the state policy in the field of migration.</p> <p>2. No</p> <p>3. n/a</p> <p>4. Yes</p> <p>5. 1) According to Article 140 of Republic of Lithuania Law on the Legal Status of Aliens, an alien shall be entitled to appeal against decision to Vilnius Regional Administrative Court within 14 calendar days from service of the decision. 2) A decision of Vilnius Regional Administrative Court may be appealed against under the appeal procedure to the Supreme Administrative Court of Lithuania within 14 calendar days from the publication of the decision. 3) Administrative Courts (general administrative, not specialized for migration).</p> <p>6. N/a</p>
	EMN NCP	Yes	<p>1. According to articles 3 g), 39 and 40 (3) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) the authority which grants the authorisation of stay and residence</p>


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.

	Luxembourg		<p>permits in Luxembourg to third-country nationals is the Ministry in charge of Immigration. However, the examination of the files is in charge of the Foreigners Department of the Directorate of Immigration.</p> <p>How is it structured (i.e. is it a special migration authority or is it a part of a larger organisation, such as a ministry)? Please explain.</p> <p>The Directorate of Immigration is one of the nine directorates of the Ministry of Foreign and European Affairs. The Foreigners department is in charge of examining the applications for all the authorisation of stay foreseen in article 38 of the Immigration Law. The Foreigners Department is itself structured in different cells according the types of autorisation of stay.</p> <p>2. Yes</p> <p>3. The administrative practice allows that the third-country national formulates an informal appeal (recours gracieux) against the decision of the Ministry in charge of Immigration (see judgement n° 19200C of the Administrative Court on 9 June 2005). However, this appeal is not foreseen in any legal text beside article 6 of the Grand ducal regulation of 8 June 1979 on the procedure to follow regarding the administration and the municipalities.</p> <p>4. Yes</p> <p>5. 1) please, explain and indicate which is the competent court?</p> <p>The competent court is the First instance Administrative Court. The appeal has to be filed in a maximum deadline of 3 months after the notification of the negative decision in accordance with article 4 (1) of the amended law of 7 November 1996 on the organisation of the administrative courts.</p> <p>2) How many instances are available?</p> <p>There are two instances. Against the negative decision of the First instance Administrative Court an appeal can be filed before the Administrative Court in a deadline of 40 days after the notification of the decision (article 38 of the amended law of 21 June 1999 on the regulation of the procedure of the administrative</p>
--	------------	--	---


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.

			<p>courts).</p> <p>3) Are these specialized (migration) courts or general courts? Please explain.</p> <p>In Luxembourg there are not specialized migration courts. In accordance with the amended law of 7 November 1996 and amended law of 21 June 1999 these are general administrative courts.</p> <p>6. N/A.</p>
	<p>EMN NCP Netherla nds</p>	<p>Yes</p>	<p>1. In the Netherlands, the Immigration and Naturalisation Service (IND) is in charge of examining and granting residence permits. The IND is an executive body of the Ministry of Justice and Security.</p> <p>2. Yes</p> <p>3. In case of a decision concerning a regular residence permit, the third country national can submit an application for review with the IND. In case of a decision concerning an asylum application, the third country national can directly appeal to the Dutch administrative court. The application for review in cases concerning regular residence permits will be filed to the IND, the same authority that decided on the application. The application for review will however be assessed by another employee than the person who took the initial decision. In case the applicant disagrees with the outcome of the review procedure, the applicant can appeal against this decision at the Dutch administrative Court.</p> <p>4. Yes</p> <p>5. For decisions concerning a regular residence permit, see the answer to question 3. For decisions concerning an asylum application, an appeal can be filed directly with the Dutch administrative court. All appeals against the review decisions in regular residence procedures and direct appeals in asylum cases, are dealt with by specialized divisions of the district court of The Hague (but are located throughout the</p>



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.

			<p>Netherlands). The Aliens Division falls under the administrative law section of the District Court in The Hague and exclusively deals with migration cases. It is possible to file a second instance appeal with the Council of State (except in visa cases).</p> <p>6. N/A.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. The authority being in charge of examining and granting the residence permits in Poland are Voivodships (Province Offices). In each voivodship there is a Department for Foreigners directly responsible for residence permit procedures, i.a.:</p> <ul style="list-style-type: none"> · conducting the affairs related to legalization of residence of the aliens within the territory of the Republic of Poland, and particularly granting a permit for temporary and permanent residence, extending visa validity, issuing invitations; · conducting the affairs related to legalization of residence of the citizens of the European Union states, the European Free Trade Association (EFTA), the European Economic Area and the Swiss Confederation as well as of the members of their families within the territory of the Republic of Poland. <p>The Ministry of the Interior and Administration oversees Voivodships.</p> <p>2. Yes</p> <p>3. Third-country national may appeal a negative decision before the administrative authority within specified time limit. In this case the second instance is the Office for Foreigners (independent body responsible for asylum procedures).</p> <p>4. Yes</p> <p>5. Negative decisions may be the subject of judicial review. The competent court is a Provincial Administrative Court and then The Supreme Administrative Court (two instances available).</p> <p>6. N/A.</p>



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.

	EMN NCP Slovakia	Yes	<ol style="list-style-type: none"> 1. The relevant department of the Border and Foreign Police (falling under the Directorate of the Border and Foreign Police, Presidium of Police Forces – Ministry of Interior of the SR) 2. Yes 3. A third-country national can file the appeal to the Directorate of the Border and Foreign Police (higher instance of the same authority). 4. No 5. N/A 6. N/A
	EMN NCP Sweden	Yes	<ol style="list-style-type: none"> 1. The Swedsih Migratioon Agency which is a special migration authority. 2. No 3. Not applicable 4. Yes 5. ! The Migration Court 2. There are two instances - Migration Court and Migration Court of Appeal. For the Migration Court of Appeal a leave of appeal is required.

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.

			<p>3. These are specialised migration courts</p> <p>6. Not applicable</p>
	EMN NCP United Kingdom	Yes	<p>1. UK Visas and Immigration is responsible for granting residence cards. UKVI is part of the Home Office and is responsible for making millions of decisions every year about who has the right to visit or stay in the country, with a firm emphasis on national security and a culture of customer satisfaction for people who come here legally.</p> <p>2. Yes</p> <p>3. Appeals are heard by the Immigration and Asylum Chamber. They are independent from UKVI.</p> <p>4. Yes</p> <p>6. N/A</p>
	EMN NCP Norway	Yes	<p>1. The Norwegian Directorate of Immigration, separately organized agency under the Ministry of Justice and Public Security.</p> <p>2. Yes</p> <p>3. Yes, a TCN can appeal a negative decision on a residence permit to the Norwegian Migration Appeals Board (UNE) - a separate authority. The Norwegian Migration Board (UNE) is a separate agency from the Norwegian Directorate of Immigration.</p>

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.

			<p>Both are organized under the Ministry of Justice and Public Security. UNE is an independent appellate body for immigration and citizenship cases. All cases considered by UNE have first been considered by the Directorate of Immigration (UDI). https://www.une.no/en/about-une/this-is-une/</p> <p>4. Yes</p> <p>5. 1) In Norway, court appeals/legal proceedings regarding immigration issues are filed at the Oslo District Court, 2) There are 3 main courts of justice in Norway, the local/city courts, the district court of appeals, and the supreme court 3) Norway uses the mainstream court system for immigration cases there are no specialized courts for these cases.</p> <p>6. N/A</p>
--	--	--	--
