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Ad-Hoc Query on 2024.17 Systematic post-decision monitoring of valid residence permits

Requested by EMN NCP Finland on 15 March 2024

Responses from EMN NCP Belgium, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Georgia, EMN NCP Germany, 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 Spain, EMN NCP Sweden (21 in Total)

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1. BACKGROUND INFORMATION

Since 2017, the Finnish Immigration Service has been conducting systematic post-decision monitoring of valid residence permits in order to survey whether a certain residence permit holder still fulfills the criteria of their residence permit. Until last year, the post-monitoring process has been fully manual, and thus, time-consuming. From the end of 2022 on, the Finnish Immigration Service launched a project to create and develop automatic tools to conduct the post-monitoring *en masse*. First rounds of automatic post-monitoring have now been run, and to

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improve our processes we would like to know whether similar processes are in use in other Member States. We would like to inquire the following.

We would like to ask the following questions:

1. Do you conduct systematic post-monitoring of valid residence permits in your country? YES/NO If YES, please elaborate and describe the monitoring process (i.e. which residence permit categories does the monitoring target and what is the sample size of monitoring).
2. If you answered YES to Q1, is the monitoring conducted automatically or manually?
3. If you answered NO to Q1, do you conduct any other kind of post-monitoring? E.g. random sampling?
4. What is the aim of your post-decision monitoring?
5. What have been the results of your post-decision monitoring?
6. How do you plan to develop post-decision monitoring in the future?



We would very much appreciate your responses by **5 April 2024**.

2. RESPONSES

		Wider Dissemination	
	EMN NCP Belgium	Yes	1. No. The competent authorities check that the beneficiary meets the conditions of their residence permit


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			<p>only if/when the person introduces a request for renewal of their permit.</p> <p>2. N/A</p> <p>3. No.</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	 EMN NCP Cyprus	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. Up to now we have been doing random sampling. It was recently decided to design and implement a post-monitoring mechanism for all types of Immigration permits. The implementation of the forementioned policy has not yet been implemented.</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	 EMN NCP Czech Republic	Yes	<p>1. No.</p>

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			<p>2. -</p> <p>3. Yes, in case we get information on a particular person that could be grounds for revoking the validity of the residence permit, e.g. about not fulfilling the purpose of the stay, then we check the information and may start the process of revoking.</p> <p>4. -</p> <p>5. -</p> <p>6. -</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Yes, Estonia conducts systematic post-monitoring over third-country nationals' temporary stay, residence and employment in Estonia.</p> <p>2. The monitoring is conducted automatically as of July 2023 when national Migration Supervision Database (MIGIS) went live. At the same time the possibility to conduct monitoring manually remained. MIGIS is an automated migration surveillance IT-solution, which assist officials in tracking persons compliance with the legal requirements to reside in Estonia and preventing misuse or irregular stay.</p> <p>3. N/A</p> <p>4. The aim of monitoring is to ensure the public order and national security through state supervision over third- country nationals' circumstances of temporary stay in Estonia, living and working in Estonia. Aliens Act § 296 (1) sets the basis and actors involved for national supervision. Link to the act: https://www.riigiteataja.ee/en/eli/517012024003/consolide.</p> <p>5. In Estonia, the national automated migration supervision system ensures up-to-date awareness of third</p>

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			<p>country nationals staying in Estonia and thus provides faster ability to react to misuse or irregular stay. Previously, the Police and Border Guard Board (the PBGB) had to monitor foreigners manually which made it more difficult to receive real overview of whether foreigners meet the conditions set for them by law.</p> <p>6. Development of MIGIS is in progress. The PBGB plans to establish a self-service environment for foreigners, where they can enter information regarding their stay in Estonia and fulfill their notification obligation through the self-service environment. Third - country nationals are obliged to inform the administrative authority of any changes in and cessation of facts relevant to granting, possession, extension and revocation of their legal basis for stay in Estonia. Currently, they contact authority by e-mail.</p>
+	EMN NCP Finland	Yes	<p>1. Post-decision monitoring is, at the moment, targeted to residence permits granted on the basis of work and studies. The monitoring is aimed to check all such permits. In addition, certain permit grounds are monitored on an ad hoc basis.</p> <p>2. Automatic post-decision monitoring is enabled in certain residence permit grounds (at the moment, work and study permits). Certain prerequisites, that need to be fulfilled throughout the validity of the residence permit, are checked. The rest of the permit grounds are monitored manually, if needed. The scope of applicable grounds for automatic post-decision monitoring is constantly being widened.</p> <p>3. In addition to systematic post-decision monitoring, the conditions of a residence permit may be evaluated in individual cases triggered by reports from concerned citizens or observations made by other authorities.</p> <p>4. The aim of post-decision monitoring is better immigration control and securing the integrity of the immigration system as a whole. Replacing the phase of extending residence permits with post-decision monitoring releases human resources from application processing and enables a speedier and more agile application process.</p>

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			<p>5. We have been able to identify certain risk profiles among the groups of applicants. The lack of met conditions of the residence permit has been possible to notice sooner than without the post-decision monitoring, which has led to significant amount of cases, where the cancellation of the residence permit needs to be considered.</p> <p>6. The development of automated monitoring tools continues with the ultimate goal to eventually cover all or most residence permit grounds with automatic post-decision monitoring.</p>
■	EMN NCP France	Yes	<p>1. NO. Article L. 432-5 of the French code for the entry and stay of foreign nationals and right to asylum (CESEDA) states that if a foreign national ceases to fulfil one of the conditions required for the issue of the residence permit to which he or she is entitled, obstructs checks or fails to comply with summonses, the residence permit may be withdrawn by a reasoned decision. The decision to withdraw the permit may only be taken after the person concerned has been given the opportunity to present his or her observations. However, holders of certain categories of residence permit (non-temporary employees, qualified employees, researchers, etc.) are not subject to this provision when they are involuntarily unemployed. In this case, the administrative authority may carry out the necessary checks to ensure that the person concerned retains their right to residency and, to this end, summon them to one or more interviews. Pursuant to article L433-1 of the CESEDA, the competent administrative authority may also exercise a right of communication under article L811-3 of the CESEDA with the following authorities and private individuals:</p> <ul style="list-style-type: none"> - Authorities holding civil status records - Labour and employment authorities - Social security bodies - Schools and higher education establishments - Energy suppliers and electronic communication services - Public and private health establishments - Banks and financial institutions - Commercial court registries


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		<p>The latter transmit the documents and information required to check the sincerity and accuracy of the declarations made or the authenticity of the documents produced with a view to granting or verifying a right of residence. However, these checks are not carried out systematically.</p> <p>2. n/a</p> <p>3. Under article L. 432-5 of the CESEDA, administrative investigations may be carried out before a residence permit is issued, renewed or withdrawn. These investigations are primarily aimed at holders of multi-annual residence permits, rather than temporary residence permits. The aim of this system is to supplement the system of systematic checks when permits are issued or renewed with more targeted checks a posteriori (particularly due to the introduction of multi-annual residence permits). This system of intermediate checks during the validity of permits is intended to act as a deterrent to fraud and to be operational.</p> <p>4. The aim of the a posteriori control system for valid residence permits is to check that holders of a temporary residence permit or a multi-annual residence permit continue to meet the conditions for issuing these permits. The aim of this control system is to strengthen the operational nature of controls, while ensuring their legal certainty, through the adversarial procedure. The right of communication provided for in article L. 432-5 of the CESEDA also helps to combat residence fraud and illegal immigration. These controls also make it possible to combat situations of abuse of rights (= artificially placing oneself in a situation with the sole aim of obtaining a residence permit).</p> <p>5. This monitoring makes it possible to identify situations where the conditions under which the residence permit was issued were no longer met, and to identify factors for certain types of residence permit that make it possible to detect situations of fraud earlier.</p>
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			6. France is currently in the process of reviewing all the relevant procedures, but has not yet decided how to develop post-decision controls in the future.
	EMN NCP Georgia	Yes	<p>1. YES.</p> <p>Since 2014, the Citizenship and Migration Unit of the Civil Registry Department of the Public Service Development Agency (PSDA) under the Ministry of Justice of Georgia, following the terms established by the Article 21 of the “Law of Georgia on the Legal Status of Aliens and Stateless Persons”, conducts the post-decision monitoring of the grounds upon which the residence permits were issued. The post-decision monitoring can be conducted if one of the circumstances defined by the Article 21 (para. 1) of the above-mentioned Law exists. Particularly, according to the Article 15 of the Governmental Ordinance #520, all involved state bodies are obliged to provide to PSDA the relevant information concerning the grounds of termination residence permits. For example, the residence permit can be terminated if foreigner has:</p> <ol style="list-style-type: none"> 1. Terminated or completed studies at an authorized educational institution in Georgia before the expiration of residence permit, if s/he obtained the Georgian residence permit on that basis. Study residence permit shall be terminated based on the information received from the educational institution and/or on information provided by concerned person; 2. Terminated activity or relationship, based on which the residence permit was issued (e.g. notification received from the Ministry of IDPs, Labour, Health and Social Affairs on terminating labour activity of the migrant and/or registration of application on termination of the grounds for residence permit on the website of the PSDA via its distance services; notification received from the National Agency of Public Registry on termination of the rights of the alien on immovable property, based on which his/her short-term residence permit or investment residence permit was issued; information obtained from the PSDA database on termination of marriage, provided that marrying the citizen of Georgia or the alien having the residence permit in Georgia was the grounds for the family reunification residence permit); 3. Been expelled from Georgia (upon receiving information of the Migration Department of the Ministry of Internal Affairs or the Court Order by the Citizenship and Migration Unit of the PSDA); 4. Committed crime (based on the information received by the PSDA from the respective institution). <p>Both, permanent and temporary residence permits can become the subject for monitoring, based on the</p>


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			<p>grounds they were issued upon. At the present moment, the residence permits issued on the ground of labour activity, study, investment as well as the residence permits issued on the grounds of family reunification are subject of monitoring.</p> <p>2. Mostly, the entire process is conducted manually except for the notifications regarding termination of the grounds for the work residence permits, which are received electronically through the special software.</p> <p>3. N/A</p> <p>4. The aim of post-decision monitoring is to: check the compliance with grounds (i.e. whether the residence permit holder complies with established terms); prevent abuse of the residence permits (i.e. using it for the purpose other than the one indicated in the application); observe the execution of the relevant law; as well as safeguard integrity and accuracy of the data (i.e. by checking the information provided during the application process).</p> <p>5. Monitoring encourages instant detection of validity of the grounds for residence permit and therefore promotes residence permits compliance with the existing legislation. Secondly, it enables identification of the specific types of residence permits that can be associated with possible elements of fraud.</p> <p>6. Post-decision monitoring requires relevant human, time and financial resources. Development of relevant systems that will make the process more automatized will significantly save administrative resources.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. No.</p> <p>2. N/A.</p> <p>3. The verification of the continued existence of the conditions for granting a residence permit is carried out</p>

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			<p>when the validity of the residence permit is extended. To this end, the validity of a residence permit may be limited to a shorter period in individual cases.</p> <p>4. The purpose depends on the individual case. It can, for example, consist of regular checks to ensure that a course of study is progressing properly (in the case of a residence permit issued for study) or that an au pair is safely placed in a host family.</p> <p>5. The results are not recorded and analysed centrally.</p> <p>6. There are no plans in this respect.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. No</p> <p>2. N/A</p> <p>3. The Hungarian immigration authority does not have the automatic post-decision monitoring system referred to in the questionnaire. It shall check in compliance with the aliens policing rules defined in Act XC of 2023 on the General Rules for Entry and Residence of Third Country Nationals. If the authority detects a violation to the obligations set out by the Act, which give rise to the initiation of an aliens policing procedure, the authority initiates the procedure ex officio.</p> <p>Act XC of 2023 provides for various reporting obligations (on change of accommodation, birth of a child, change of circumstances of employment) of third country nationals, to which they are subject to in case of changes of circumstances related to a stay exceeding 90 days in a 180-day period. Provisions of the Act impose specific reporting obligations not only on third country nationals but employers and educational institutions. Moreover, concerning already issued residence permits, review may be initiated on information received from other authorities (eg, tax authority, specialized authorities responsible for employment and labour force affairs, the Hungarian Constitution Protection Office, the Counter Terrorism Centre of Hungary, the Police or reports filed by individuals).</p>


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			<p>4. N/A</p> <p>5. N/A</p> <p>6. Not planned currently.</p>
■	EMN NCP Italy	Yes	<p>1. No.</p> <p>2. /</p> <p>3. Monitoring is only carried out if, during the issuance of the permit, doubts arise as to the validity of what is declared by the subject, but it depends on each individual case.</p> <p>4. /</p> <p>5. /</p> <p>6. /</p>
▬	EMN NCP Latvia	Yes	<p>1. Yes, we are making a regular and systematic post-monitoring of valid residence permits during the residence permits registration/extension process or before, if there are some doubts or a new information. The regular extension procedure of temporary residence permit is conducted once a year and for permanent residence permit once every five years.</p> <p>2. The monitoring is conducted manually for all categories of residence permit holders. Some data are automatically available in state electronic information systems, such as tax administration institutions, crime register, State Border guard electronic system, etc.</p>



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			<p>3. N/a</p> <p>4. The aim of post-decision monitoring is better immigration control and securing the integrity of the immigration system as a whole. In the current geopolitical situation, it is important to instantly respond to signals indicating a possible threat to national security as well. In addition to systematic post-decision monitoring, the conditions of a residence permit may be evaluated in individual cases triggered by reports from concerned citizens, or observations made by other authorities.</p> <p>5. The results of post-decision monitoring are an immediate prevention of potential immigration and national security risks. Percentage of revoked residence permits is not very high; however, the monitoring is considered a useful measure of prevention.</p> <p>6. The post-decision monitoring process is continuously improved, reducing bureaucracy and administrative burden. There are some ideas regarding the automatic checks on tax payments of third-country employees but at the moment an implementation has not been even started yet.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. No</p> <p>2. N/A</p> <p>3. Yes. For instance, if there's a notification regarding potential grounds for the withdrawal of your temporary residence permit, the Migration Department conducts an investigation to ascertain if such grounds indeed exist.</p> <p>4. To determine whether the foreigner still meets the conditions and basis for the issuance of the residence permit, and whether there are no grounds for revocation of the residence permit.</p> <p>5. Upon identifying the basis, residence permits are revoked, abuse schemes are identified, processes are</p>


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			<p>improved, and so forth.</p> <p>6. The Migration Department is developing software to automate certain inspection procedures and streamline manual tasks.</p>
	EMN NCP Luxembourg	Yes	<p>1. No. Luxembourg does not conduct systematically post monitoring of valid residence permits in accordance with article 133 (2) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law).</p> <p>2. N/A.</p> <p>3. Yes. Article 133 (1) and (3) authorises the Minister in charge of asylum and immigration to conduct the controls (monitoring) in order to verify if the conditions fixed for the entry and residency of foreigners are still being fulfilled. In this case they can do a random control. However, the Minister can order specific controls when there are presumptions of fraud or there is suspicion of a marriage or adoption of convenience with the only aim to enter and reside in the country.</p> <p>4. See answer to Q.3.</p> <p>5. In principle, there cannot be a systematic monitoring of residence permits. However, as described in answer to question 3, when there is the suspicion that a third country national is not fulfilling the condition of entry and stay as well as when a fraud, a marriage or adoption of convenience was committed in order to entry and stay in the territory.</p> <p>6. There are no plans to change the current monitoring system for the time being.</p>
	EMN NCP Netherlands	Yes	<p>1. No.[1]</p>


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			<p>[1] Information provided by the IND on 21 March 2024.</p> <p>2. N/A.</p> <p>3. Yes. Our member state conducts systematic post-monitoring of valid residence permits. The checks occur 3 to 6 months after a permit has been issued and they focus on whether the person involved still meets the requirements of the valid residence permit. These checks are conducted randomly. Approximately we have about 8000 cases a year.[1]</p> <p>[1] Information provided by the IND on 21 March 2024.</p> <p>4. The aim of our post-decision monitoring is to check the compliance and use the data to improve the future-issuing of permits (risk-profiles).[1]</p> <p>[1] Information provided by the IND on 21 March 2024.</p> <p>5. The results of our post-decision monitoring varies across the cases. In some cases we have discovered irregularities and informed our enforcement-unit. In other cases cancelation of the residence-permit has been considered.[1]</p> <p>[1] Information provided by the IND on 21 March 2024.</p> <p>6. In the future we plan to do post-decision monitoring not only random but risk-driven as well.[1]</p> <p>[1] Information provided by the IND on 21 March 2024.</p>
	EMN NCP Poland	Yes	1. NO



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			<p>2. N/a</p> <p>3. A temporary residence permit in the territory of Poland is revoked if the purpose of the stay, which was the reason for granting a temporary residence permit to a given foreigner, has ceased to exist or the foreigner no longer meets the requirements for granting a temporary residence permit due to the declared purpose of stay. Thus, for example, in the case of students or doctoral students, it is the responsibility of the rector of the university or the head of another unit conducting studies to immediately notify the governor who granted the foreigner the permit that the foreigner has been removed from the list of students or doctoral students. This circumstance may constitute grounds for revoking the granted permit.</p> <p>4. See the answer to Q 3</p> <p>5. See the answer to Q 3</p> <p>6. No information provided in this regard</p>
	EMN NCP Portugal	Yes	<p>1. NO</p> <p>2. NO</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>



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	EMN NCP Serbia	Yes	<p>1. The Republic of Serbia does not have automatic tools for mass monitoring of valid residence permits after the decision has been made (post monitoring) and does not conduct systematic post-monitoring.</p> <p>2. n/a</p> <p>3. A foreigner who has been granted temporary residence on one of the grounds prescribed by the Law on Foreigners is obliged to reside in the Republic of Serbia in accordance with the grounds for which his residence was granted. Inspection whether a foreigner is staying in accordance with the basis for which his stay was granted includes a field check. Performing a field check can target a person or a business entity in which several persons are employed or enrolled in education. In addition, state bodies, legal entities, entrepreneurs, i.e., natural persons, are obliged to notify the competent authority without delay about a foreigner for whom conditions for the termination of the right to temporary residence or permanent residence in the Republic of Serbia exists.</p> <p>4. The goal of monitoring after a decision is made (post monitoring) is to control the legality of a foreigner's stay.</p> <p>5. Control of whether a foreigner resides in accordance with the basis for which his residence was granted may lead to the termination of the right to temporary residence or permanent residence.</p> <p>6. The accelerated digitization process leads toward networking of the system of different state authorities, which should enable sharing of relevant data related to the statuses of persons among them. Cross-checking data from relevant sources could be used to improve efficiency of monitoring validity of residence permits after the decision has been made. Matching data among existing databases can result in the recognition of the fact that the foreigner misuse the residence.</p>
	EMN NCP Slovakia	Yes	<p>1. No. Controls are conducted only on a random basis.</p>

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			<p>2. The random controls are conducted manually.</p> <p>3. Controls are conducted on a random basis and also in the framework of security repressive actions resulting from different situations.</p> <p>4. Control of validity of residence permits, regularity of entry and residence of foreigners in the Slovak Republic.</p> <p>5. See response to question 4.</p> <p>6. By amending legislation and modifying internal management acts.</p>
	EMN NCP Slovenia	Yes	<p>1. No.</p> <p>2. N/A</p> <p>3. No. However, the competent authority shall initiate the procedure for revoking the permit at any time during the period of validity of the residence permit, if it is notified or determines itself that the conditions for issuing the permit are no longer met.</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. We currently have no plans in this regard.</p>
	EMN NCP Spain	Yes	<p>1. No</p>


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		<p>2. -</p> <p>3. There is no systematic post- monitoring of valid residence permits in Spain. Yet, the different Immigration Offices conduct special random sampling in such a way that the validity and maintenance of the requirements of such authorizations can be checked at any time. The control of the maintenance of the conditions, to assess a possible withdrawal is basically done in 2 ways:</p> <ul style="list-style-type: none"> - In the case of residence cards of EU citizens and their family members, the administrative authority periodically carries out a random review of files granted, to check that the conditions that gave rise to the right of residence continue to be met (registration in social security, cohabitation, sufficient resources, etc.). The situation of these third country nationals is thus reviewed within 6 months / 1 year. - When the request concern residence authorizations under the general aliens' regime, the possibility of withdrawal occurs as a result of an assessment of possible fraud in the contracting or fictitious company (after requesting a report from the Labour Inspection or the General Treasury of the Social Security), due to the receipt of external reports from the Police Central Unit for Illegal Immigration Networks and Documentary Forgery (UCRIF), or from other Immigration Offices reporting the existence of circumstances of withdrawal, or due to police information on the length of time spent outside of the EU, etc. Through this kind of elements, the responsible authorities verify the eventual existence of a cause for withdrawal in Spanish immigration rules, and an withdrawal process is initiated and resolved. <p>Likewise, the immigration offices carry out casual checks when, in the exercise of their functions, they detect that fraud is being committed by applicants, in which case the former will inform the police and judicial authorities and initiate the withdrawal process.</p> <p>Lastly, renewals of authorizations apply once the authorities have verified that the applicants continue to meet the requirements foreseen in the Law.</p> <p>4. -</p> <p>5. -</p>
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			6. -
	EMN NCP Sweden	Yes	<p>1. Yes</p> <p>2. Some part of the monitoring is conducted automatically and some part is manually.</p> <p>3. -</p> <p>4. inv svar</p> <p>5. inv svar</p> <p>6. inv svar</p>
