

## 15.5/T/T/T/PERSONS OTHER THAN FRONTIER WORKERS WHO DO NOT RESIDE IN THE COMPETENT STATE pdf

### 1: reside - Finnish translation "Linguee"

26 According to Article 65(2) of Regulation No /, a frontier worker who is wholly unemployed, who resided in a Member State other than the competent Member State and who continues to reside in that Member State, the Member State of residence, is to make himself available to the employment services of that State. That provision states.

European Treaty Series - No. Chapter I Article 1 "Definition 1For the purpose of this Convention, the term "migrant worker" shall mean a national of a Contracting Party who has been authorised by another Contracting Party to reside in its territory in order to take up paid employment. Chapter II Article 2 "Forms of recruitment 1The recruitment of prospective migrant workers may be carried out either by named or by unnamed request and in the latter case shall be effected through the intermediary of the official authority in the State of origin if such an authority exists and, where appropriate, through the intermediary of the official authority of the receiving State. Article 3 "Medical examinations and vocational test 1Recruitment of prospective migrant workers may be preceded by a medical examination and a vocational test. Article 4 "Right of exit " Right to admission " Administrative formalities 1Each Contracting Party shall guarantee the following rights to migrant workers: Article 5 " Formalities and procedure relating to the work contract Every migrant worker accepted for employment shall be provided prior to departure for the receiving State with a contract of employment or a definite offer of employment, either of which may be drawn up in one or more of the languages in use in the State of origin and in one or more of the languages in use in the receiving State. The use of at least one language of the State of origin and one language of the receiving State shall be compulsory in the case of recruitment by an official authority or an officially recognised employment bureau. Article 6 " Information 1The Contracting Parties shall exchange and provide for prospective migrants appropriate information on their residence, conditions of and opportunities for family reunion, the nature of the job, the possibility of a new work contract being concluded after the first has lapsed, the qualifications required, working and living conditions including the cost of living , remuneration, social security, housing, food, the transfer of savings, travel, and on deductions made from wages in respect of contributions for social protection and social security, taxes and other charges. Information may also be provided on the cultural and religious conditions in the receiving State. The translation, where necessary, of such information into a language that the prospective migrant worker can understand shall be provided as a general rule by the State of origin. Article 7 " Travel 1Each Contracting Party undertakes to ensure, in the case of official collective recruitment, that the cost of travel to the receiving State shall never be borne by the migrant worker. The arrangements for payment shall be determined under bilateral agreements, which may also extend these measures to families and to workers recruited individually. The exemptions referred to above shall be granted in accordance with the laws or regulations in force in the States concerned. Chapter III Article 8 " Work permit 1Each Contracting Party which allows a migrant worker to enter its territory to take up paid employment shall issue or renew a work permit for him unless he is exempt from this requirement , subject to the conditions laid down in its legislation. Article 9 " Residence permit 1Where required by national legislation, each Contracting Party shall issue residence permits to migrant workers who have been authorised to take up paid employment on their territory under conditions laid down in this Convention. When the work permit is valid indefinitely, the residence permit shall as a general rule be issued and, if necessary, renewed for a period of at least one year. It shall be issued and renewed free of charge or for a sum covering administrative costs only. Nevertheless, no Contracting Party shall be bound, in the case provided for in the above sub-paragraph, to allow a migrant worker to remain for a period exceeding the period of payment of the unemployment allowance. Each Contracting Party nevertheless undertakes to grant to migrant workers whose residence permits have been withdrawn, an effective right to appeal, in accordance with the procedure for which provision is made in its legislation, to a judicial or administrative authority. Article 10 " Reception 1After arrival in the receiving State, migrant workers and members of their families shall be given all

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appropriate information and advice as well as all necessary assistance for their settlement and adaptation. Moreover, migrant workers shall be entitled, on the same basis as national workers, to help and assistance from the employment services. However, each Contracting Party shall endeavour to ensure that special social services are available, whenever the situation so demands, to facilitate or co-ordinate the reception of migrant workers and their families. Article 11 "Recovery of sums due in respect of maintenance 1The status of migrant workers must not interfere with the recovery of sums due in respect of maintenance to persons in the State of origin to whom they have maintenance obligations arising from a family relationship, parentage, marriage or affinity, including a maintenance obligation in respect of a child who is not legitimate. Article 12 "Family reunion 1The spouse of a migrant worker who is lawfully employed in the territory of a Contracting Party and the unmarried children thereof, as long as they are considered to be minors by the relevant law of the receiving State, who are dependent on the migrant worker, are authorised on conditions analogous to those which this Convention applies to the admission of migrant workers and according to the admission procedure prescribed by such law or by international agreements to join the migrant worker in the territory of a Contracting Party, provided that the latter has available for the family housing considered as normal for national workers in the region where the migrant worker is employed. Each Contracting Party may make the giving of authorisation conditional upon a waiting period which shall not exceed twelve months. The declarations shall state the special reasons justifying the derogation with regard to receiving capacity. Any State availing itself of this possibility of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and shall ensure that these measures are published as soon as possible. It shall also inform the Secretary General of the Council of Europe when such measures cease to operate and the provisions of the Convention are again being fully executed. The derogation shall not, as a general rule, affect requests for family reunion submitted to the competent authorities, before the declaration is addressed to the Secretary General, by migrant workers already established in the part of the territory concerned. Article 13 "Housing 1Each Contracting Party shall accord to migrant workers, with regard to access to housing and rents, treatment not less favourable than that accorded to its own nationals, insofar as this matter is covered by domestic laws and regulations. Article 14 "Pretraining "Schooling "Linguistic training "Vocational training and retraining 1Migrant workers and members of their families officially admitted to the territory of a Contracting Party shall be entitled, on the same basis and under the same conditions as national workers, to general education and vocation training and retraining and shall be granted access to higher education according to the general regulations governing admission to respective institutions in the receiving State. Article 16 "Conditions of work 1In the matter of conditions of work, migrant workers authorised to take up employment shall enjoy treatment not less favourable than that which applies to national workers by virtue of legislative or administrative provisions, collective labour agreement or custom. Article 17 "Transfer of savings 1Each Contracting Party shall permit, according to the agreements laid down by its legislation, the transfer of all or such parts of the earnings and savings of migrant workers as the latter may wish to transfer. This provision shall apply also to the transfer of sums due by migrant workers in respect of maintenance. The transfer of sums due by migrant workers in respect of maintenance shall on no account be hindered or prevented. Article 18 "Social Security 1Each Contracting Party undertakes to grant within its territory, to migrant workers and members of their families, equality of treatment with its own nationals, in the matter of social security, subject to conditions required by national legislation and by bilateral or multilateral agreements already concluded or to be concluded between the Contracting Parties concerned. Article 19 "Social and Medical Assistance Each Contracting Party undertakes to grant within its territory, to migrant workers and members of their families who are lawfully present in its territory, social and medical assistance on the same basis as nationals in accordance with the obligations it has assumed by virtue of other international agreements and in particular of the European Convention on Social and Medical Assistance of Article 20 "Industrial accidents and occupational diseases "Industrial hygiene 1With regard to the prevention of industrial accidents and occupational diseases and to industrial hygiene, migrant workers shall

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enjoy the same rights and protection as national workers, in application of the laws of a Contracting Party and collective agreements and having regard to their particular situation. Article 21 – Inspection of working conditions Each Contracting Party shall inspect or provide for inspection of the conditions of work of migrant workers in the same manner as for national workers. Such inspection shall be carried out by the competent bodies or institutions of the receiving State and by any other authority authorised by the receiving State. Article 22 – Death Each Contracting Party shall take care, within the framework of its laws and, if need be, within the framework of bilateral agreements, that steps are taken to provide all help and assistance necessary for the transport to the State of origin of the bodies of migrant workers deceased as the result of an industrial accident. Article 23 – Taxation on earnings 1In the matter of earnings and without prejudice to the provisions on double taxation contained in agreements already concluded or which may in future be concluded between Contracting Parties, migrant workers shall not be liable, in the territory of a Contracting Party, to duties, charges, taxes or contributions of any description whatsoever either higher or more burdensome than those imposed on nationals in similar circumstances. In particular, they shall be entitled to deductions or exemptions from taxes or charges and to all allowances, including allowance for dependants. Article 24 – Expiry of contract and discharge 1On the expiry of a work contract concluded for a special period at the end of the period agreed on and in the case of anticipated cancellation of such a contract or cancellation of a work contract for an unspecified period, migrant workers shall be accorded treatment not less favourable than that accorded to national workers under the provisions of national legislation or collective labour agreements. Article 25 – Re-employment 1If a migrant worker loses his job for reasons beyond his control, such as redundancy or prolonged illness, the competent authority of the receiving State shall facilitate his re-employment in accordance with the laws and regulations of that State. Article 26 – Right of access to the courts and administrative authorities in the receiving State 1Each Contracting Party shall secure to migrant workers treatment not less favourable than that of its own nationals in respect of legal proceedings. Migrant workers shall be entitled, under the same conditions as nationals, to full legal and judicial protection of their persons and property and of their rights and interests; in particular, they shall have, in the same manner as nationals, the right of access to the competent courts and administrative authorities, in accordance with the law of the receiving State, and the right to obtain the assistance of any person of their choice who is qualified by the law of that State, for instance in disputes with employers, members of their families or third parties. The rules of private international law of the receiving State shall not be affected by this article. Article 27 – Use of employment services Each Contracting Party recognises the right of migrant workers and of the members of their families officially admitted to its territory to make use of employment services under the same conditions as national workers subject to the legal provisions and regulations and administrative practice, including conditions of access, in force in that State. Article 28 – Exercise of the right to organise Each Contracting Party shall allow to migrant workers the right to organise for the protection of their economic and social interests on the conditions provided for by national legislation for its own nationals. Article 29 – Participation in the affairs of the undertaking Each Contracting Party shall facilitate as far as possible the participation of migrant workers in the affairs of the undertaking on the same conditions as national workers.

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### 2: Work permit/residency permit requirements for foreign employees | Practical Law

*The provisions of paragraph 1 shall apply by analogy to members of the family who reside in the territory of a Member State other than the competent State in so far as they are not entitled to such benefits under the legislation of the State in whose territory they reside.*

Bilateral or multilateral agreements between two or more Contracting Parties shall determine, as far as possible, the conditions in which this Convention shall apply to schemes established by means of collective agreements made compulsory by decision of the public authorities. Where schemes relating to seafarers are concerned, the provisions of Title III of this Convention shall apply without prejudice to the legislation of any Contracting Party governing the liabilities of shipowners, who shall be treated as the employers for the purposes of the application of this Convention. This Convention does not apply to social or medical assistance schemes, to benefit schemes for victims of war or its consequences, or to special schemes for civil servants or persons treated as such. This Convention does not apply to legislation designed to give effect to a social security convention concluded between a Contracting Party and one or more other States. Article 3 Annex II specifies, in respect of each Contracting Party, the legislation and schemes referred to in Article 2, paragraphs 1 and 2. Each Contracting Party shall give notice, in accordance with the provisions of Article 81, paragraph 1, of any amendment to be made to Annex II as a result of the adoption of new legislation. Such notice shall be given within three months from the date of publication of such legislation or, in the case of legislation published before the date of ratification of this Convention, on the date of ratification. Article 4 The provisions of this Convention shall be applicable: Article 5 Subject to the provisions of Article 6, this Convention replaces, in respect of persons to whom it is applicable, any social security conventions binding: However, where the application of certain provisions of this Convention is subject to the conclusion of bilateral or multilateral agreements, the provisions of the conventions referred to in sub-paragraphs a and b of the preceding paragraph shall remain applicable until the entry into force of such agreements. Article 6 The provisions of this Convention shall not affect obligations under any convention adopted by the International Labour Conference. This Convention shall not affect the provisions on social security in the Treaty of 25 March establishing the European Economic Community nor the association agreements envisaged under that Treaty nor the measures taken in application of those provisions. Notwithstanding the provisions of Article 5, paragraph 1, two or more Contracting Parties may keep in force, by mutual agreement and in respect of themselves, the provisions of social security conventions by which they are bound by specifying them in Annex III or, in the case of provisions relating to the application of these conventions, by specifying them in an annex to the Supplementary Agreement for the application of this Convention. However, this Convention shall apply in all cases requiring action on the part of an institution of a Contracting Party other than those which are bound by the provisions referred to in paragraph 2 or in paragraph 3 of this article as well as in the case of persons who are entitled to benefits under this Convention and to whom the said provisions are not exclusively applicable. Two or more Contracting Parties which are bound by the provisions specified in Annex III may, by mutual agreement and in respect of themselves, make appropriate amendments to this annex by giving notice thereof in accordance with the provisions of Article 81, paragraph 1. Article 7 Two or more Contracting Parties may, if need be, conclude with each other social security conventions founded on the principles of this Convention. Each Contracting Party shall give notice, in accordance with the provisions of Article 81, paragraph 1, of any convention which it concludes by virtue of the preceding paragraph, and of any subsequent amendment or denunciation of such a convention. Such notice shall be given within three months from the date of entry into force of that convention or its amendment, or from the date on which its denunciation takes effect. Article 8 Unless otherwise specified in this Convention, persons who are resident in the territory of a Contracting Party and to whom the Convention is applicable shall have the same rights and obligations under the legislation of every Contracting Party as the nationals of such Party. Annex IV specifies,

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for each Contracting Party concerned, the benefits provided under its legislation to which the provisions of paragraph 2 or paragraph 3 of this article are applicable. Each Contracting Party concerned shall give notice, in accordance with the provisions of Article 81, paragraph 1, of any amendment to be made to Annex IV. If such an amendment results from the adoption of new legislation, such notice shall be given within three months from the date of publication of that legislation or, in the case of legislation published before the date of ratification of this Convention, on the date of ratification. The provisions of paragraph 1 of this article shall not affect the legislation of any Contracting Party in so far as it concerns participation in social security administration or membership of social security tribunals. Special measures may be adopted concerning the participation in voluntary insurance or optional continued insurance of persons not resident in the territory of the Contracting Party concerned, or the entitlement to benefits under the transitional arrangements specified in Annex VII.

**Article 9** The benefit of the provisions of social security conventions which remain in force by virtue of Article 6, paragraph 3, and the provisions of social security conventions concluded by virtue of Article 7, paragraph 1, may be extended, by agreement between the Parties bound thereby, to nationals of every Contracting Party. Annex V specifies the provisions of social security conventions which remain in force by virtue of Article 6, paragraph 3, and whose application is to be extended, in accordance with paragraph 1 of the present article, to nationals of every Contracting Party. The Contracting Parties concerned shall give notice, in accordance with the provisions of Article 81, paragraph 1, of the provisions of the social security conventions concluded by them by virtue of Article 7, paragraph 1, whose application is extended, in accordance with paragraph 1 of the present article, to nationals of every Contracting Party. The provisions of the said conventions shall be indicated in Annex V. Two or more Contracting Parties which are bound by the provisions specified in Annex V may, by mutual agreement and in respect of themselves, make appropriate amendments to this annex by giving notice thereof in accordance with the provisions of Article 81, paragraph 1.

**Article 10** If the legislation of a Contracting Party makes admission to voluntary insurance or optional continued insurance conditional upon the completion of periods of insurance, the institution applying that legislation shall to that end, for the purpose of adding periods together, take account, to the extent necessary, of periods of insurance completed under the legislation of any other Contracting Party and, where appropriate, of periods of residence completed after the age of sixteen under the non-contributory scheme of any other Contracting Party, as if they had been periods of insurance completed under the legislation of the first Party. The provisions of paragraphs 1 and 2 of the present article shall not apply to the following benefits, in so far as they are specified in Annex VI: Each Contracting Party concerned shall give notice, in accordance with the provisions of Article 81, paragraph 1, of any amendment to be made to Annex VI. Where the legislation of a Contracting Party makes the repayment of contributions conditional upon the person concerned having ceased to be subject to compulsory insurance, that condition shall not be regarded as fulfilled so long as that person is subject to compulsory insurance under the legislation of any other Contracting Party. The Contracting Parties shall determine by means of bilateral or multilateral agreements the conditions of payment of benefits referred to in paragraph 1 of the present article due to persons enjoying rights under this Convention who are resident in the territory of a State which is not a Contracting Party.

**Article 12** The rules governing changes in rates of benefits laid down in the legislation of a Contracting Party shall be applicable to benefits payable under such legislation in accordance with the provisions of this Convention.

**Article 13** Except for benefits in respect of invalidity, old age, survivors or occupational disease which are paid by the institutions of two or more Contracting Parties in accordance with the provisions of Article 29 or of Article 47, sub-paragraph b, this Convention shall not confer or maintain entitlement to several benefits of the same nature or to several benefits relating to one and the same period of compulsory insurance. Provisions in the legislation of a Contracting Party for the reduction, suspension or suppression of benefits where there is overlapping with other benefits or other income, or because of an occupational activity, shall apply also to a beneficiary in respect of benefits acquired under the legislation of another Contracting Party or in respect of income obtained, or occupation followed, in the territory of another Contracting Party. This rule shall not, however,

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apply to benefits of the same nature payable in respect of invalidity, old age, survivors or occupational disease by the institutions of two or more Contracting Parties in accordance with the provisions of Article 29 or of Article 47, sub-paragraph b. Article 15 The rule stated in Article 14, sub-paragraph a, shall apply subject to the following exceptions or modifications: The rule stated in Article 14, sub-paragraph b, shall apply subject to the following exceptions: The rule stated in Article 14, sub-paragraph c, shall apply subject to the following exceptions or modifications: Where by virtue of the preceding paragraphs of this article, a worker is subject to the legislation of a Contracting Party in whose territory he does not work, that legislation shall be applicable to him as if he worked in the territory of that Party. Article 16 The provisions of Articles 14 and 15 shall not apply to voluntary insurance or optional continued insurance. Where the application of the legislation of two or more Contracting Parties would result in affiliation to a compulsory insurance scheme and at the same time permit membership of one or more voluntary insurance or optional continued insurance schemes, the person concerned shall be subject exclusively to the compulsory insurance scheme. However, in respect of invalidity, old age and death pensions, this Convention shall not affect the provisions of legislation of any Contracting Party permitting simultaneous affiliation to a voluntary insurance or optional continued insurance scheme and to a compulsory insurance scheme. Where the application of the legislation of two or more Contracting Parties would result in the possibility of membership of two or more voluntary insurance or optional continued insurance schemes, the person concerned shall be admitted solely to the voluntary insurance or optional continued insurance scheme of the Contracting Party in whose territory he is resident or, if he is not resident in the territory of one of these Contracting Parties, to the scheme of that Contracting Party for whose legislation he has opted. Article 17 The provisions of Article 14, sub-paragraph a, shall apply to members of the service staff of diplomatic missions or consular posts, and also to persons employed in the private service of officials of such missions or posts. However, workers referred to in the preceding paragraph, who are nationals of a Contracting Party which is the sending State, may opt for the application of the legislation of that Party. Such right of option may be exercised only once, within the three months following the entry into force of this Convention or on the date on which the person concerned is engaged by the diplomatic mission or consular post or enters the private service of an official of that mission or that post, as the case may be. The option shall take effect on the date on which it is exercised. Article 18 The competent authorities of two or more Contracting Parties may, by agreement, provide for exceptions to the provisions of Articles 14 to 17 in the interests of persons affected thereby. The application of the provisions of the preceding paragraph shall, if need be, be subject to a request by the workers concerned and, where appropriate, by their employers. Moreover, such application shall be the subject of a decision by which the competent authority of the Contracting Party whose legislation is applicable confirms that the said workers are no longer subject to the aforesaid legislation and will henceforth be subject to the legislation of another Contracting Party. Where the legislation of a Contracting Party makes admission to compulsory insurance conditional upon the completion of periods of insurance, periods of insurance completed under the legislation of any other Contracting Party and, where appropriate, periods of residence completed after the age of sixteen under the non-contributory schemes of any other Contracting Party shall, to that end, for the purpose of adding periods together, be taken into account, to the extent necessary, as if they were periods of insurance completed under the legislation of the first Party. Article 20 Persons who reside in the territory of a Contracting Party other than the competent State and who satisfy the conditions for entitlement prescribed by the legislation of the latter State, regard being had, where appropriate, to the provisions of Article 19, shall receive in the territory of the Contracting Party in which they are resident: However, by agreement between the competent institution and the institution of the place of residence, cash benefits may also be paid through the latter institution, on behalf of the competent institution. The provisions of the preceding paragraph shall apply, *mutatis mutandis*, in respect of benefits in kind to members of the family who are resident in the territory of a Contracting Party other than the competent State. Benefits may also be paid to frontier workers by the competent institution in the territory of the competent State, in accordance with the provisions of the legislation of that State, as if they were resident

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in its territory. However, members of their family shall be entitled to benefits in kind under the same conditions only if there is an agreement to that effect between the competent authorities of the Contracting Parties concerned, or failing that, except in case of emergency, if there is prior authorisation by the competent institution. Persons to whom this article applies, other than frontier workers or members of their families, who are temporarily resident in the territory of the competent State, shall be entitled to benefits in accordance with the provisions of the legislation of that State as if they were resident in its territory even if they were already receiving benefits for the same case of sickness or maternity before taking up their temporary residence. Persons to whom this article applies who transfer their residence to the territory of the competent State shall be entitled to benefits in accordance with the provisions of the legislation of that State, even if they were already receiving benefits for the same case of sickness or maternity before transferring their residence. Article 21 Persons who satisfy the conditions for entitlement to benefits under the legislation of the competent State, regard being had, where appropriate, to the provisions of Article 19, and: However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution, on behalf of the competent institution. The provisions of the preceding paragraphs of this article shall apply, *mutatis mutandis*, to members of the family in respect of benefits in kind. Article 22 Where the legislation of a Contracting Party makes the provision of benefits in kind to members of the family conditional on their being personally insured, the provisions of Articles 20 and 21 shall apply to members of the family of a person subject to that legislation only if they are personally affiliated to the same institution of the said Party as that person, or to another institution of the said Party which provides corresponding benefits. Where the legislation of a Contracting Party provides that the calculation of cash benefits shall be based on average earnings, the competent institution of that Party shall determine those average earnings exclusively on the basis of the earnings recorded during the periods completed under the said legislation. Where the legislation of a Contracting Party provides that the calculation of cash benefits shall be based on fixed earnings, the competent institution of that Party shall take account exclusively of such fixed earnings or, where appropriate, of the average fixed earnings corresponding to the periods completed under the said legislation. Where the legislation of a Contracting Party provides that the amount of cash benefits shall vary with the number of members of the family, the competent institution of that Party shall take account also of members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first Party. Article 23 Unemployed persons who satisfy the conditions for entitlement to benefits in kind under the legislation of the Contracting Party responsible for providing unemployment benefit, regard being had, where appropriate, to the provisions of Article 19, shall be entitled, together with the members of their families, to benefits in kind if they are resident in the territory of another Contracting Party. Such benefits in kind shall be provided by the institution of the place of residence in accordance with the provisions of the legislation which that institution applies, as if the persons concerned were entitled to the benefits by virtue of that legislation, but the cost shall be borne by the competent institution of the first-mentioned Party. Article 24 Where a person receiving a pension under the legislation of two or more Contracting Parties is entitled to benefits in kind under the legislation of the Contracting Party in whose territory he is resident, regard being had, where appropriate, to the provisions of Article 19, such benefits shall be provided for him and for the members of his family by the institution of the place of residence at its own cost, as if he were a pensioner under the legislation of the latter Party only. Where a person receiving a pension under the legislation of a Contracting Party or pensions under the legislation of two or more Contracting Parties, is not entitled to benefits in kind under the legislation of the Contracting Party in whose territory he is resident, he shall nevertheless be entitled to such benefits for himself, and for the members of his family, if he is entitled to them under the legislation of the former Party, or of one of the former Parties, regard being had, where appropriate, to the provisions of Article 19, or if he would be entitled to them if he were resident in the territory of one of those Parties. The benefits in kind shall be provided by the institution of the place of residence, in accordance with the provisions of the legislation which it applies, as if the pensioner

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were entitled to the said benefits under that legislation, but the cost shall be borne by the institution as determined under the rules laid down in the following paragraph. In the cases referred to in the preceding paragraph, the institution which shall bear the cost of the benefits in kind shall be determined according to the following rules: Where the members of the family of a person receiving a pension under the legislation of a Contracting Party or pensions under the legislation of two or more Contracting Parties are resident in the territory of a Contracting Party other than that in which the pensioner himself resides, they shall receive benefits in kind as if the pensioner were resident in the same territory, provided that he is entitled to such benefits under the legislation of a Contracting Party. Members of the family to whom the preceding paragraph applies who transfer their residence to the territory of the Contracting Party in which the pensioner resides shall be entitled to benefits under the provisions of the legislation of that Party even if they have already received benefits for the same case of sickness or maternity before transferring their residence. A person receiving a pension under the legislation of a Contracting Party, or pensions under the legislation of two or more Contracting Parties, who is entitled to benefits in kind under the legislation of one of these Parties, shall, together with the members of his family, be entitled to such benefits: Where the legislation of a Contracting Party provides for contributions to be deducted from the pension payable for the purpose of entitlement to benefits in kind, the institution of the Party which pays the pension shall be authorised to make such deductions if the cost of the benefits in kind is borne by an institution of that Party by virtue of this article. Article 25 Where the legislation applied by the institution of the place of residence or temporary residence provides for two or more sickness and maternity insurance schemes, the rules to be applied in respect of the provision of benefits in kind, in the cases covered by Article 20, paragraphs 1 and 2, Article 21, paragraphs 1 and 3, Article 23, and Article 24, paragraphs 2, 4 and 6, shall be those of the general scheme or, failing that, of the scheme for industrial workers. Where the legislation of a Contracting Party makes the award of benefits dependent on the origin of the sickness, that condition shall not apply to persons covered by this Convention, irrespective of the territory of the Contracting Party in which they reside. Where the legislation of a Contracting Party fixes a maximum period for the award of benefits, the institution which applies that legislation may, where appropriate, take account of any period during which benefits have already been provided by the institution of another Contracting Party for the same case of sickness or maternity. Article 26 The application of the provisions of Articles 20, 21, 23 and 24 as between two or more Contracting Parties shall be subject to the conclusion between those Parties of bilateral or multilateral agreements which may also contain appropriate special arrangements. The agreements referred to in the preceding paragraph shall specify in particular: Two or more Contracting Parties may agree that there shall be no refunds between the institutions in their jurisdiction. Article 28 Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits conditional upon the completion of periods of insurance, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account of periods of insurance completed under the legislation of any other Contracting Party and, where appropriate, of periods of residence completed after the age of sixteen under non-contributory schemes of any other Contracting Party, as if they were periods of insurance completed under the legislation of the first Party. Where the legislation of a Contracting Party makes the acquisition, maintenance or recovery of entitlement to benefits conditional upon the completion of periods of residence, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account of periods of insurance completed under the legislation of any other Contracting Party, and, where appropriate, of periods of residence completed after the age of sixteen under non-contributory schemes of any other Contracting Party, as if they were periods of residence completed under the legislation of the first Party. Where, under the legislation of a Contracting Party, a person has been affiliated at the same time to a contributory scheme and to a non-contributory scheme for the same contingency, the institution of any other Contracting Party concerned shall have regard, in applying paragraphs 1 or 2 of this article, to the longest period of insurance or of residence completed under the legislation of the first Party. Where the legislation of a Contracting Party makes the provision of certain

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benefits conditional upon the completion of periods of insurance in an occupation covered by a special scheme or in a specified occupation or employment, only periods completed under a corresponding scheme, or, failing that, in the same occupation or, where appropriate, in the same employment, under the legislation of other Contracting Parties, shall be taken into account for the award of such benefits. If, notwithstanding periods completed in this way, the person concerned does not satisfy the conditions for entitlement to the said benefits, the periods concerned shall be taken into account for the award of benefits under the general scheme or, failing that, the scheme applicable to wage-earners or to salaried employees, as appropriate. Where the legislation of a Contracting Party provides that the period of payment of a pension may be taken into consideration for the acquisition, maintenance or recovery of entitlement to benefits, the competent institution of that Party shall to that end take account of any period during which a pension was paid under the legislation of any other Contracting Party.

**Article 29** The institution of each Contracting Party to whose legislation the person concerned has been subject shall determine, in accordance with the legislation which it applies, whether such person satisfies the conditions for entitlement to benefits having regard, where appropriate, to the provisions of Article 28. If the person concerned satisfies those conditions, the said institution shall calculate the theoretical amount of the benefit he could claim if all the periods of insurance and of residence completed under the legislation of the Contracting Parties concerned, and taken into account for determining entitlement, in accordance with the provisions of Article 28, had been completed exclusively under the legislation which that institution applies. However, in the case of benefits the amount of which does not depend on the length of periods completed, that amount shall be taken to be the theoretical amount referred to in the preceding paragraph; in the case of benefits specified in Annex IV, the theoretical amount referred to in the preceding paragraph may be calculated on the basis of the full benefit and up to an amount not exceeding it: The said institution shall then calculate the actual amount of the benefit payable by it to the person concerned on the basis of the theoretical amount calculated in accordance with the provisions of paragraph 2 or of paragraph 3 of this article, as appropriate, and in proportion to the ratio of the periods of insurance or residence completed before the contingency arose under the legislation which it applies, to the total of the periods of insurance or residence completed before the contingency arose under the legislation of all the Contracting Parties concerned. Where the legislation of a Contracting Party provides that the amount of benefits or certain parts thereof shall be in proportion to the periods of insurance or residence completed, the competent institution of that Party may calculate those benefits or parts thereof directly, solely on the basis of the periods completed under the legislation which it applies, notwithstanding the provisions of paragraphs 2 to 4 of this article.

**Article 30** For the calculation of the theoretical amount referred to in Article 29, paragraph 2: Where the legislation of a Contracting Party embodies rules providing for the revaluation of the factors taken into account for the calculation of benefits, these rules shall apply, where appropriate, to the factors taken into account by the competent institution of that Party, in accordance with the provisions of the preceding paragraph, in respect of periods completed under the legislation of other Contracting Parties. Where the legislation of a Contracting Party provides that the amount of benefits shall vary with the number of members of the family, the competent institution of that Party shall take account also of the members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first Party.

**Article 31** Notwithstanding the provisions of Article 29, where the total duration of the periods of insurance or residence completed under the legislation of a Contracting Party is less than one year and where, taking into account only those periods, no entitlement to benefits exists under that legislation, the institution of the Party concerned shall not be bound to award benefits in respect of the said periods.

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### 3: Council of Europe - ETS no. - European Convention on Social Security

*4 Jobseekers Benefit for frontier workers<sup>1</sup> Jobseekers Benefit for workers other than frontier workers who do not reside in the State of employment.*

For a full list of contents visit [www](http://www). Application form to be signed by the foreign employee and employer. Support letter from the employer in Albania. Copy of valid type D visa unless excepted. Copy of the Albanian employment contract. Five recent passport size pictures. Copy of the lease agreement or other documents attesting the residence of the foreign employee in Albania. Copy of the last quarterly declaration filed by the employer with the Albanian labour office. Copy of the last declaration filed by the employer with the Albanian labour inspectorate. Copy of last inspection report of the employer from the Albanian labour inspectorate if any, or statement from the employer that there has been no labour inspection. Attestation from the tax authorities on tax liabilities of the employer. Evidence of payment of the application fee currently ALL6, The following documents must be submitted to obtain a residence permit: Copy of the work permit or attestation of inclusion in the list of employees, if exempted from the work permit requirement. Copy of the employment contract with the employer in Albania. Attestation of healthcare coverage in Albania. Medical certificate from the healthcare institutions of origin countries for citizens of countries affected by epidemics, as determined by the Albanian Ministry of Health. Criminal records certificate issued in the country of origin, or in the country where the applicant has legally resided in the last six months. Three recent passport size pictures. Evidence of payment of the application fee currently ranging from ALL10, to ALL25,, depending on the duration of the permit. Be at least 18 years old. Not have a criminal record. Never have been an Angolan resident in the past. Have never received a scholarship granted by Angolan entities or foreigner companies operating in Angola. Have an employment agreement or promise of employment. Have a certificate of all the necessary qualifications. Foreign employees require residence permits to work. They must present their: Original passport with seal of entry. Original act of birth. Criminal record certificate from the country of origin. Documentation must be apostilled or legalised. Armenia The work permit provision procedure is currently suspended, which means that the foreigners can work in Armenia without any special authorisation until 1 January However, a foreign national must have residence permit to stay in Armenia for more than days per year. Also, a fee of BHD5 per month for each foreign employee up to five employees and BHD10 per month from the sixth employee onwards is payable. Nationals of countries recognised by Bangladesh are considered for a work permit. Expatriate to local employee ratio cannot exceed 1: Persons below 18 years of age are not eligible. Initial employment is for two years, extendable on a case by case basis. Permits are subject to security clearance from the Ministry of Home Affairs. The employee must first have an e-visa and then apply for a work permit. Barbados On an application for a work permit, the following are required: Completed form C-1 in duplicate, statement of qualifications of non-immigrant. Completed form C-2 in duplicate, job offer for non-immigrant employment to be completed by the employer. Four passport size photographs two of which must be certified by a lawyer, Justice of the Peace, or Notary Public. Police certificate of character from each place the applicant resided after the age of 16 years for six months or more as well as a finger print report of all ten fingers. Restricted or limited police searches must be accompanied by a sworn affidavit. A sworn affidavit is also required for countries that do not issue police certificates of character. Two written character references. Evidence of educational and professional qualifications. Medical form completed by a doctor. Tax clearance certificate if the applicant has been living in Barbados. Cover letter from prospective employer. Original and copy of the certificate and articles of incorporation of the employer entity. A long term work permit takes approximately three months to be issued. The fee payable for the issue of a long term work permit varies according to the length of time the employee will remain in Barbados, and the level of his position. The fee must be paid to the Immigration Department in order to obtain the work permit. Police certificate of character from each place that the prospective employee has been residing for more than six

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months since 16 years of age and finger print report. Completed Form C-3, application for short-term work permit in duplicate. Most non-Bermudian employees require work permits issued by the Bermuda Government Department of Immigration. Work permits are not required for persons who either: Are married to Bermudians. Have Permanent Residency Certificates. Have work permit exemptions. All other non-Bermudian employees require work permits for the time period for which they are employed in Bermuda. The government implemented new work permit policies in March Work permit exemptions are available for non-Bermudian senior executives who may also be granted permanent residency in Bermuda if they qualify under the relevant legislation. Brazil Foreign employees must obtain work permits and visas to enter and remain in Brazil. Work permit applications must be presented by employers. Temporary permits or visas are available for employees in general, subject to specific requirements depending on the type of work. The validity period is up to two years, renewable for another two years and convertible into a permanent authorisation. Permanent permits or visas are available to foreigners who work in Brazil in management positions, provided that the company receives a foreign investment of at least BRL, per hired foreign employee or BRL, plus a commitment to create ten new jobs in Brazil within two years. No work permits are required for: Managers of companies or branches of foreign legal entities. Members of the managing board or board of directors of local companies, who are not employed on a labour contract. Trade representatives of foreign companies registered at the Bulgarian Chamber of Commerce and Industry. Foreigners who have obtained a long-term or permanent residence status in Bulgaria. Since , the European blue card regime was introduced for employment under a labour contract for the purpose of highly-qualified work. The regime is applicable for high qualified employees with a university degree that is, obtained on the basis of at least a three-year educational course. European blue cards are issued for a period of up to one year and can be renewed for further one-year periods without limitation if the grounds for their issuance still exist. The blue card allows qualified employees to work in Bulgaria and their family members to obtain extended residence permits in Bulgaria for a period equal to the term of residence permitted to the holder of the blue card, if certain legal conditions are met. Certain professions for both EU and EEA citizens, and non-EU or non-EEA nationals are subject to having a licence for the respective professional qualification to be locally recognised. Such professions are mainly in the field of architecture, health sector, judicial activities and so on.

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### 4: Search on States and International Organisations

*persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment Decision NÂ° U3 of 12 June concerning the scope of the concept of "partial unemployment".*

The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence. Article 2 For the purposes of the present Convention: The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. Article 3 The present Convention shall not apply to: Article 5 For the purposes of the present Convention, migrant workers and members of their families: Article 6 For the purposes of the present Convention: Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order ordre public , public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present part of the Convention. Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin. Article 9 The right to life of migrant workers and members of their families shall be protected by law. Article 10 No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No migrant worker or member of his or her family shall be held in slavery or servitude. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour. Paragraph 2 of the present article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court. For the purpose of the present article the term "forced or compulsory labour" shall not include: Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. Migrant workers and members of their families shall have the right to hold opinions without interference. Migrant workers and members of their families shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice. The exercise of the right provided for in paragraph 2 of the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: Article 14 No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks. Article 15 No migrant worker or member of his or her family shall

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be arbitrarily deprived of property, whether owned individually or in association with others. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation. Migrant workers and members of their families shall have the right to liberty and security of person. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions. Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedure established by law. Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. Migrant workers and members of their families who are arrested shall be informed at the time of arrest as far as possible in a language they understand of the reasons for their arrest and they shall be promptly informed in a language they understand of any charges against them. Migrant workers and members of their families who are arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that while awaiting trial they shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings and, should the occasion arise, for the execution of the judgement. When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner: Any communication by the person concerned to the said authorities shall be forwarded without delay, and he or she shall also have the right to receive communications sent by the said authorities without delay; c The person concerned shall be informed without delay of this right and of rights deriving from relevant treaties, if any, applicable between the States concerned, to correspond and to meet with representatives of the said authorities and to make arrangements with them for his or her legal representation. Migrant workers and members of their families who are deprived of their liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful. When they attend such proceedings, they shall have the assistance, if necessary without cost to them, of an interpreter, if they cannot understand or speak the language used. Migrant workers and members of their families who have been victims of unlawful arrest or detention shall have an enforceable right to compensation. Migrant workers and members of their families who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for their cultural identity. Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. Any migrant worker or member of his or her family who is detained in a State of transit or in a State of employment for violation of provisions relating to migration shall be held, in so far as practicable, separately from convicted persons or persons detained pending trial. During any period of imprisonment in pursuance of a sentence imposed by a court of law, the essential aim of the treatment of a migrant worker or a member of his or her family shall be his or her reformation and social rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status. During detention or imprisonment, migrant workers and members of their families shall enjoy the same rights as nationals to visits by members of their families. Whenever a migrant worker is deprived of his or her liberty, the competent authorities of the State concerned shall pay attention to the problems that may be posed for members of his or her family, in particular for spouses and minor children. Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation. If a

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migrant worker or a member of his or her family is detained for the purpose of verifying any infraction of provisions related to migration, he or she shall not bear any costs arising therefrom. Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Migrant workers and members of their families who are charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law. In the determination of any criminal charge against them, migrant workers and members of their families shall be entitled to the following minimum guarantees: In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation. Migrant workers and members of their families convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law. When a migrant worker or a member of his or her family has, by a final decision, been convicted of a criminal offence and when subsequently his or her conviction has been reversed or he or she has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to that person. No migrant worker or member of his or her family shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of the State concerned. No migrant worker or member of his or her family shall be held guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence under national or international law at the time when the criminal offence was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when it was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, he or she shall benefit thereby. Humanitarian considerations related to the status of a migrant worker, in particular with respect to his or her right of residence or work, should be taken into account in imposing a sentence for a criminal offence committed by a migrant worker or a member of his or her family. No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfil a contractual obligation. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit. Article 21 It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family. Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually. Migrant workers and members of their families may be expelled from the territory of a State Party only in pursuance of a decision taken by the competent authority in accordance with law. The decision shall be communicated to them in a language they understand. Upon their request where not otherwise mandatory, the decision shall be communicated to them in writing and, save in exceptional circumstances on account of national security, the reasons for the decision likewise stated. The persons concerned shall be informed of these rights before or at the latest at the time the decision is rendered. Except where a final decision is pronounced by a judicial authority, the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise. Pending such review, the person concerned shall have the right to seek a stay of the decision of expulsion. If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek

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compensation according to law and the earlier decision shall not be used to prevent him or her from re-entering the State concerned. In case of expulsion, the person concerned shall have a reasonable opportunity before or after departure to settle any claims for wages and other entitlements due to him or her and any pending liabilities. Without prejudice to the execution of a decision of expulsion, a migrant worker or a member of his or her family who is subject to such a decision may seek entry into a State other than his or her State of origin. In case of expulsion of a migrant worker or a member of his or her family the costs of expulsion shall not be borne by him or her. The person concerned may be required to pay his or her own travel costs. Expulsion from the State of employment shall not in itself prejudice any rights of a migrant worker or a member of his or her family acquired in accordance with the law of that State, including the right to receive wages and other entitlements due to him or her. Article 23 Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right. Article 24 Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law. Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and: It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity. States Parties recognize the right of migrant workers and members of their families: No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order ordre public or the protection of the rights and freedoms of others. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of employment can at any time establish the necessary arrangements to determine the modalities of application of this norm. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances. Article 28 Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment. Article 29 Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality. Article 30 Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin. States Parties may take appropriate measures to assist and encourage efforts in this respect. Article 32 Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings.

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### 5: Certificate of Registration of the EU

*importance for workers who do not reside in the Member State of their employment, including frontier workers. (9) The Court of Justice has on several occasions given an opinion.*

Rights related to residence, residence documents Article 6 Residence rights 1. The host State may not impose any limitations and conditions other than those provided for in this Title on the persons referred to in paragraphs 1, 2 and 3 for obtaining, retaining or losing residence rights. There shall be no discretion in applying the limitations and conditions, other than in favour of the person concerned. Article 7 Right of exit and of entry 1. After five years following the withdrawal date, the host State may decide no longer to accept a national identity card to enter or exit its territory, if the respective national identity card does not include a chip compliant with the applicable International Civil Aviation Organisation standards related to biometric identification. No exit or entry visa or equivalent formality shall be required for holders of a valid document issued in accordance with Article 11 or 19 of this Regulation. Where the host State requires family members who join the United Kingdom national after the withdrawal date to have an entry visa, the host State shall grant such persons every facility to obtain the necessary visas. Such visas shall be issued free of charge as soon as possible and on the basis of an accelerated procedure. Article 8 Right of permanent residence 1. Periods of legal residence or work in accordance with Union law before and after the withdrawal date shall be included in the calculation of the qualifying period necessary for acquisition of the right of permanent residence. Once acquired, the right of permanent residence shall be lost only through absence from the host State for a period exceeding five consecutive years. Article 10 Status and changes 1. The right of United Kingdom nationals and their family members to rely directly on this Regulation shall not be affected when they change status, for example between student, worker, self-employed person and economically inactive person. Persons who, at the withdrawal date, enjoy a right of residence in their capacity as family members of United Kingdom nationals cannot become persons referred to in points a to d of Article 9 1. The rights provided for in this Title for the family members, who are dependent on United Kingdom nationals before the withdrawal date, shall be maintained even after they cease to be dependent. Article 11 Issuance of residence documents 1. The host State may require United Kingdom nationals, their family members and other persons residing in its territory in accordance with the conditions set out in this Title, to apply for a new residence status which confers the rights under this Title and a document evidencing such status which may be in a digital form. Applying for such a residence status shall be subject to the following conditions: Where that is the case, the applicant shall have a right to be granted the residence status and the document evidencing it; b the deadline for submitting the application shall not be less than 6 months from the withdrawal date for persons residing in the host State before the withdrawal date. The deadline for persons who have the right to commence residence in the host State in accordance with this Regulation shall be 3 months after their arrival or expiry of the deadline referred to in the first subparagraph, whichever is later. A certificate of application for the residence status shall be issued immediately; c the deadline for submitting the application referred to in point b shall be extended automatically by one year where a Member State has notified Commission that technical problems prevent that State either from registering the application or from issuing the certificate of application referred to in point b. Where the identity document is retained by the competent authorities of the host State while the application is pending, the host State shall return that document upon application without delay and before the decision on the application is taken; j supporting documents other than identity documents, such as civil status documents, may be submitted in copy. The host State may not require this declaration to refer to any specific amount of resources. For that purpose, applicants may be required to declare past criminal convictions which appear in their criminal record in accordance with the law of the State of conviction at the time of the application. The redress procedures shall allow for an examination of the legality of the decision, as well as of the facts and circumstances on which the proposed decision is based.

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They shall ensure that the decision is not disproportionate. During the period referred to in point b of paragraph 1 of this Article and its possible one-year extension under point c of paragraph 1 of this Article, all rights provided for in this Regulation shall be deemed to apply to United Kingdom nationals, their family members, and other persons residing in the host State in accordance with the conditions and subject to the restrictions set out in Article Pending a final decision by the competent authorities on any application referred to in paragraph 1, as well as a final judgment handed down in case of judicial redress sought against any rejection of such application by the competent administrative authorities, all rights provided for in this Regulation shall be deemed to apply to the applicant, including Article 14 on safeguards and right of appeal, subject to the conditions set out in Article 13 4. Article 12 Issuance of residence documents during the transition period 1. A host State may allow applications for a residence status or a residence document as referred to in Article 17 1 and 4 to be made voluntarily from the date of entry into force of this Regulation. A decision to accept or refuse such an application shall be taken in accordance with Article 11 1 and 4. A decision under Article 11 1 shall have no effect until the withdrawal date. If an application is refused before the withdrawal date, the applicant may apply again at any time before the expiry of the period set out in Article 11 1 b. Without prejudice to paragraph 4, redress procedures under Article 11 1 r shall be available from the date of the decision. Article 13 Restrictions of the right of residence 1. Conduct of United Kingdom nationals, their family members or other persons exercising rights under this Title, that occurred after the withdrawal date may constitute grounds for restricting the right of residence by the host State or the right of entry in the State of work in accordance with national legislation. Such measures shall be subject to the procedural safeguards provided for in Article 14 of this Regulation. Article 16 Equal treatment 1. The benefit of this right shall be extended to family members of United Kingdom nationals and who have the right of residence or permanent residence. Where a direct descendant of a worker who has ceased to reside in the host State is in education in that State, the primary carer for that descendant shall have the right to reside in that State until the descendant reaches the age of majority, and after the age of majority if that descendant continues to need the presence and care of the primary carer in order to pursue and complete his or her education. Article 18 Rights of self-employed persons 1. Article 17 2 shall apply to direct descendants of self-employed workers. Article 17 3 shall apply to self-employed frontier workers, without prejudice to Article 27 concerning the scope of rights. Such United Kingdom nationals shall have the right to be issued with such a document. Recognitions of professional qualifications for the purposes of point a of paragraph 1 of this Article shall include: Article 22 Administrative cooperation on recognition of professional qualifications 1. With regard to the pending applications referred to in Article 21, the Member States shall cooperate with the United Kingdom in order to facilitate the application of Article Cooperation may include the exchange of information, including on disciplinary action or criminal sanctions taken or any other serious and specific circumstances which are likely to have consequences for the pursuit of the activities falling under the Directives referred to in Article This Title shall apply to the following persons: These persons shall be covered for as long as they continue without interruption to be in one of the situations set out in paragraph 1 involving both a Member State and the United Kingdom at the same time. Article 24 Social security coordination rules 1. Article 25 Special situations covered 1. The corresponding reimbursement procedures shall also apply even after the treatment ends. The corresponding reimbursement procedures shall apply. Article 26 Development of law and adaptations of Union acts 1. The Decisions and Recommendations of the Administrative Commission shall, for the purposes of this Regulation, be understood as comprising the list set out in [Annex I]. TITLE IV Article 27 Free movement United Kingdom nationals who have been issued documentation pursuant to Article 11 shall retain the right of free movement to other Member States in accordance with the relevant provisions of the Treaties and the legislation to give them effect. Article 28 Publicity The Member States shall disseminate information concerning the rights and obligations of persons covered by this Regulation, in particular by means of awareness-raising campaigns conducted, as appropriate, through national and local media and other means of communication. Article 29 More favourable provisions

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1. This Regulation shall not affect any laws, regulations or administrative provisions applicable in a host State or a State of work which would be more favourable to the persons concerned. This paragraph shall not apply to Title III. Article 5 and Article 16 1 shall be without prejudice to the Common Travel Area arrangements between the United Kingdom and Ireland as regards more favourable treatment which may result from these arrangements for the persons concerned. Article 30 Life-long protection The persons covered by this Regulation shall enjoy the rights provided for therein for their lifetime, unless they cease to meet the relevant conditions. Article 31 Entry into force and application 1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from the withdrawal date. Done at Brussels, xx date

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### 6: University of Minnesota Human Rights Library

*not reside in the Member State of their employment, including frontier workers. (9) The Court of Justice has on several occasions given an opinion on the possibility of equal treatment of benefits, income and facts; this principle should be adopted explicitly and.*

Rights related to residence, residence documents Article 12 Residence rights 1. The host State may not impose any limitations and conditions other than those provided for in this Title on the persons referred to in paragraphs 1, 2 and 3 for obtaining, retaining or losing residence rights. There shall be no discretion in applying the limitations and conditions, other than in favour of the person concerned. Article 13 Right of exit and of entry 1. No exit or entry visa or equivalent formality shall be required for holders of a valid residence document issued in accordance with Article 17 or 24 of this Agreement. Where the host State requires family members who join the Union citizen or the United Kingdom national after the entry into force of this Agreement to have an entry visa, the host State shall grant such persons every facility to obtain the necessary visas. Such visas shall be issued free of charge as soon as possible and on the basis of an accelerated procedure. Article 14 Right of permanent residence 1. Periods of legal residence or work before and after the entry into force of this Agreement shall be included in the calculation of the qualifying period necessary for acquisition of the right of permanent residence. Once acquired, the right of permanent residence shall be lost only through absence from the host State for a period exceeding five consecutive years. Article 16 Status and changes 1. The right of Union citizens, United Kingdom nationals, and their respective family members to rely directly on this Title shall not be affected when they change status, for example from student to worker, from worker to being economically inactive, or from being economically inactive to student. The rights provided for in this Title for the family members, who are dependent on Union citizens or United Kingdom nationals before the entry into force of this Agreement, shall be maintained even after they cease to be dependent as a result of taking up employment or self-employment in the host State. Article 17 Issuance of residence documents 1. The host State may require Union citizens or United Kingdom nationals and their respective family members, residing in its territory in accordance with the conditions set out in this Title, to apply for a new residence document as a condition for the enjoyment of the rights under this Title, subject to the following conditions: Where that is the case, the applicant shall have a right to be granted the residence document; b the deadline for submitting the residence document application shall not be less than two years from the entry into force of this Agreement or from the date of arrival in the host State, whichever is later; a certificate of application for the residence document shall be issued immediately; c the deadline for submitting the residence document application referred to in point b shall be extended automatically by one year where the Union or the United Kingdom has notified the United Kingdom or the Union, respectively, that technical problems prevent the host State either from registering the application or from issuing the certificate of application referred to in point b. The host State may not require this declaration to refer to any specific amount of resources. For that purpose, applicants may be required to declare past criminal convictions which appear in their criminal record in accordance with the law of the State of conviction at the time of the application. The redress procedures shall allow for an examination of the legality of the decision, as well as of the facts and circumstances on which the proposed decision is based. They shall ensure that the decision is proportionate. During the two-year period referred to in point b of paragraph 1 of this Article and its possible one-year extension under point c of paragraph 1 of this Article, all rights provided for in this Part shall be deemed to apply to Union citizens or United Kingdom nationals and their respective family members, residing in the host State in accordance with the conditions set out in this Title. Pending a final decision by the competent authorities on any application referred to in paragraph 1, as well as a final judgment handed down in case of judicial redress sought against any rejection of such application by the competent administrative authorities, all rights provided for in this Part shall be deemed to apply to the applicant, including Article 19

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on safeguards and right of appeal. Where a host State has chosen not to require Union citizens or United Kingdom nationals, and their respective family members, to apply for the new residence document referred to in paragraph 1 as a condition for legal residence, those Union citizens, United Kingdom nationals and their respective family members eligible for residence rights shall have the right to receive a residence document that includes a statement that it has been issued in accordance with this Agreement.

**Article 18 Restrictions of the right of residence**

1. Conduct of Union citizens or United Kingdom nationals, or their respective family members, that occurred after the entry into force of this Agreement may constitute grounds for restricting the right of residence by the host State in accordance with national legislation. Such measures shall be subject to the procedural safeguards provided for in Article 19 of this Agreement.

**Article 21 Equal treatment**

1. The benefit of this right shall be extended to family members of Union citizens or of United Kingdom nationals and who have the right of residence or permanent residence. Workers in the host State and frontier workers in the State or States of work shall enjoy the following rights: Where a direct descendant of a worker who has ceased to reside in the host State is in education in that State, the primary carer for that descendant shall have the right to reside in that State until the descendant reaches the age of majority, and after the age of majority if that descendant continues to need the presence and care of the primary carer in order to pursue and complete his or her education. Employed frontier workers shall retain the rights they enjoyed as workers in the State or States of work, and the right to enter and exit that State in accordance with Article

**Article 23 Rights of self-employed persons**

1. Self-employed persons in the host State and self-employed frontier workers in the State or States of work shall have the following rights: Self-employed frontier workers shall have the same rights as employed frontier workers, without prejudice to Article 32 concerning the scope of rights.

**Article 27 Administrative cooperation on recognition of professional qualifications**

With regard to the pending applications referred to in Article 26, the United Kingdom and the Member States shall cooperate in order to facilitate the application of Article

Cooperation may include the exchange of information, including on disciplinary action or criminal sanctions taken or any other serious and specific circumstances which are likely to have consequences for the pursuit of the activities falling under the Directives referred to in Article

This Title shall apply to the following persons:

**Article 29 Social security coordination rules**

1. **Article 30 Administrative cooperation**

1. The United Kingdom shall have the status of observer in the Administrative Commission. It may, where the items on the agenda concern the United Kingdom, send a representative, to be present in an advisory capacity, to the meetings of the Administrative Commission and to the meetings of the Technical Commission for data processing and of the Audit Board, both attached to the Administrative Commission where such items are discussed.

**Article 31 Development of law and adaptations of Union acts**

1. To that end, the Union shall, as soon as possible after adoption, inform the United Kingdom within the Joint Committee of any act amending or replacing those Regulations. The United Kingdom shall, as soon as possible after adoption, inform the Union of any changes in domestic provisions of relevance to [Part III of the Annex] to this Agreement within the Joint Committee. To that end, the Union shall, as soon as possible after adoption, inform the United Kingdom thereof within the Joint Committee. The Decisions and Recommendations of the Administrative Commission shall, for the purposes of this Agreement, be understood as comprising the adaptations set out in [Part I of the Annex].

**TITLE IV Article 32 Scope of rights**

In respect of United Kingdom nationals and their family members, the rights provided for by this Part shall not include further free movement to the territory of another Member State, the right of establishment in the territory of another Member State, or the right to provide services on the territory of another Member State or to persons established in other Member States.

**Article 33 Publicity**

The Member States and the United Kingdom shall disseminate information concerning the rights and obligations of persons covered by this Part, in particular by means of awareness-raising campaigns conducted, as appropriate, through national and local media and other means of communication.

**Article 34 More favourable provisions**

1. This Part shall not affect any laws, regulations or administrative provisions applicable in a host State or a State of work which would be more favourable to the persons concerned. This paragraph shall not apply to Title III. **Article 11 and Article 21**

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shall be without prejudice to the Common Travel Area arrangements between the United Kingdom and Ireland as regards more favourable treatment which may result from these arrangements for the persons concerned.

Article 35 Life-long protection The persons covered by this Part shall enjoy the rights provided for therein for their lifetime, unless they cease to meet the conditions set out therein.

### 7: EUR-Lex - R - EN - EUR-Lex

*Approximately million persons reside in a Member State other than the competent Member State, and are registered for healthcare in their Member State of residence by means of a PD S1.*

### 8: EUR-Lex - RR(01) - EN - EUR-Lex

*Where the competent Member State is listed in Annex III however, the members of the family of a frontier worker who reside in the same Member State as the frontier worker shall be entitled to benefits in kind in the competent Member State only under the conditions laid down in Article 19(1).*

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