



Webinar Q&A

EU Blue Card Redesigned: Maximize New Program Benefits to Attract Highly-Skilled Workers

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Q Is there any impact for Swiss nationals? Can business activities of EU Blue Card holders be carried out in the Schengen Area or EU countries not applying the EU Blue Card Directive?

Switzerland is not an EU country and doesn't abide by the EU Blue Card Directive. However, Blue Card holders can carry out activities in Switzerland as long as these activities can be considered as "provision of services" within the meaning of Article 56 TFEU (the concrete application will depend on EEA rules and the bilateral agreement between Switzerland and the EU). A specific assessment of the activities should be carried out.

Q Re: the accumulation of period of residence for Blue Card holders to obtain permanent residence, is the right to permanent residence 'declarative' (by simply

meeting the conditions of the Directive) or 'constitutive' (required that permanent residence status is granted by EU Member States?) Is the accumulation of periods in several Member States to achieve long-term residence discretionary or mandatory for Member States to transpose?

To acquire EU long-term residence, a third-country national should always apply for a residence permit and be granted that permit at a given Member State, provided permanent residence requirements for that Member State are met. The accumulation of periods provisions (Art 18) is obligatory to be transposed by the Member State concerned by the Directive.

Q One issue with the EU Blue Card is that there is no fast track application process, as there is with local work permits. How can

that be mitigated as the process is not fast?

This issue is addressed by the revised EU Blue Card Directive. The Member State should guarantee the same level playing field between national schemes for highly qualified employees and the EU Blue Card.

Newland Chase will continue to monitor and report on the implementation status of the revised directive over the upcoming months and years. We are uniquely positioned to successfully manage your EU Blue Card needs.

Q When you refer to intra EU-mobility under the new EU Blue Card, do you mean working in Member State B under the validity of the main Blue Card in Member State A (similar to EU ICT intra-EU mobility) or actually to permanently transfer to country B avoiding a longer processing times/document requirement?

Intra-EU Mobility with an EU Blue Card is different from intra-EU mobility with an EU ICT permit. When it comes to **short-term mobility** within the EU, the Directive states that EU Blue Card holders in one EU Member State can carry out business activities in other EU Member States for up to 90 days in any 180-day period. However, the EU ICT permit allows work for 90 days in any 180 days per EU Member State.

On the subject of **long-term mobility** (work for over 90 days in other EU Member States), the new EU Blue Card Directive states that EU Blue Card holders must be residing for at least 12 months in the first EU Member State before applying for a Blue Card as a local employee in the second Member State. However, the EU ICT permit would allow work in the second Member State under the validity of the first EU ICT permit issued by the first Member State without the need to become a local employee in the second Member State.

Q How does intra-EU mobility with an EU Blue Card work with the Posted Worker Notification requirements? Will both be required?

Posted Worker Notifications may be required in short-term mobility (up to 90 days in any 180-day period in the Schengen Area) as some business activities may be subject to Posted Worker Notifications in advance of travel to other EU countries.

The Posted Worker Notifications may also be required for EU Blue Card holders posted for over 90 days to other EU countries.

Q Is it a requirement to have a local contract in that country or can employees be ‘seconded’ while remaining on UK contract?

Yes, EU Blue Card holders must be locally hired in the EU Member State where they intend to work and reside.

Q Do you know what the requirements might be to apply for the “recognized employer” scheme?

The recognized employer procedure is defined by each Member State. The new Directive states that where Member States already have established recognition procedures for employers for the purpose of highly qualified employment, the same recognition procedures should apply to applications for EU Blue Cards.

The Directive also states, among other requirements for the recognized employer procedure, that applications should be notified as soon as possible but no later than 30 days after submission, and that authorities should notify of any missing documentation and provide sufficient time to provide this.

Q When will these new rules come into effect? When they do, what will happen to current EU Blue Card holders? Will the new rules automatically apply to them?

There is a two-year transposition period. The revised Directive entered into force on 17 November 2021 (20 days after its publication in the Official Journal of the European Union on 28 October 2021). Therefore, EU Member States have until 17 November 2023 to implement the revised Directive into their national legislation.

Q Are there any relevant changes in regards to processing times and fees?


Yes, the Blue Card application should be processed as soon as possible but no later than 90 days of submission.

If a national work and residence permit for highly qualified employees is resolved under this period, the same should be applied to EU Blue Card holders. Applications under a recognized employer scheme should be processed in 30 days maximum.

Fees should not be disproportionate or excessive and should not be higher than those applied to national residence schemes for highly qualified employment.

Q When enumerating the list of business activities, does the term “including” mean that EU Member States may consider allowing EU Blue Card holders to carry out other activities not listed in the Directive?

Correct, EU Member States would need to make public the list of business permitted activities in that Member State.



As always, don't hesitate to reach out to your Newland Chase dedicated contact or submit an inquiry [here](#) should you have any specific questions regarding this program.

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