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Law of Faroe Islands on access to residence permits for certain occupation

legal case no. 182/2007: Proposal for a recommendation to the National Assembly to put into effect for the Faroe Islands "law for Færøerne om udlændinges gæbbst til öðusholidsein med visse på visse former for employment"

Helena Dam á Neystabø, national leader, submitted the case on April 23, 2008, and after the 1st revision on May 6, 2008, it was addressed to the Rættarnevdin.

The committee resolved the issue at meetings on May 13 and 15, 2008.

During the repair, the committee has met with representatives for Samtak, Havnar Arbeiðskvinnufelag, Klaksvíkar Arbeiðskvinnufelag, Klaksvíkar Arbeiðskvinnufelag, Klaksvíkar Arbeiðsmanfelag, Landsfelag Handverkaranna, Føroya Handverkarafelag, Føroya Arbeiðsgevarafelag, Føroya Reiðarafelag, futan and the national governing body.

From Samtak, the committee has received a letter, dated May 13, 2008, regarding the change in the logarithm. From Havnar Arbeiðskvinnufelag, the committee has received a copy of the hearing report for the upshot. The Norwegian Employers' Association has received a letter, dated May 13, 2008, with comments on a copy of the agreement between the Icelandic Employers' Association and the Swedish Employers' Association regarding foreigners in the Icelandic labor market and an overview of unemployment in the Faroes in the period 2000–2008. May 2008 teldupost related to the policies, some of which were sent to the committee during the meeting. From Føroya Reiðarafelag, the committee has received a letter, dated 14 May 2008, with comments on the project. From the Council of Law, the committee has, among other things, got teldupost, some discuss the question of the manpower in connection with changing the percentage mark.

One of the committee members points out that there is a lot of information, information and mandatory supervision in order to have an appointment with the immigration office.

We will work more intensively with the intention of sitting on the board of the Immigration Office, which in the first round will deal with the second part of immigration matters, which today will be dealt with in the Legal Council, and which will deal with discussing applications for work and residence permits. Eyðsæð is that this station also gets some information to inform about loggers, human rights, etc. on the road, guide foreigners on important matters, as the meeting with other relevant parties makes a knowledgeable presence.

As for the control, the foot has the biggest part of the control on the road, and he has, among other things, permission to the corresponding foreigner's office by own authorities and in cooperation with other authorities to carry out surveys, e.g. of a special profession. In a meeting with the committee, Fútin has informed that the number of cases of violation of the immigration law has fallen significantly, and that this fall corresponds to the moderate control efforts that have been made in the last year. Fútin immediately noted that § 4, par. 3, which addresses the content of the employer's rights, and partially corresponds to the recently agreed law on immigration law, is easier and better about the possibilities of proving a possible violation of the immigration law. The committee does not consider that there are compelling reasons to make changes in the control orders.

Under the committee's amendment, it has been discussed whether check factor orders could become a requirement for granting a work and residence permit according to § 3, par. 1, no. 1 for check work. Similar to this intention, the only thing is that it is about "ordinary employment". In the special notes to the proposal, the term will be described as "beskæftigelse uden gebruikt tilskud". Support is not seen to be taken into account, what should be assessed about e.g. the fishing industry order in ALS, or the order for minimum wages for fishermen in this area. The committee points out that one of the reasons for the opening of the log is that peat is at work in the filleting and fishing industry, and these orders should not prevent foreigners from obtaining a work and residence permit depending on their intention. T.v.s. that work in the fillet and fish work is also to be assessed as "ordinary" according to the intention.

Furthermore, the committee has divided itself into one majority and one minority.

Meirilutin (Jacob Vestergaard, Poul Michelsen, Marjus Dam and Alfred Olsen) notes that originally the changes in the immigration law were intended to make it easier to get foreign workers. , that the special rules on the right to work from the EU countries shall not apply, if the unemployment rate for a continuous period of at least 3 following months increases by 3.5%.

The majority does not agree with this limitation, and the reasons for this rejection are more.

After the panel repair, it can be confirmed that there are good reasons to believe that the project will solve some of the confusion with the lack of workability, toe together. A similar overview of the unemployment rate in the last year, so the unemployment rate for 6 months in 2004, all of 2005, and in the beginning of 2006 was over 3.5%, and throughout this period, employers have had problems with the lack of work. So freer access is possible from ES, so the output does not show enough freer access, which can solve some confusion. Meirilut immediately points out that although it may seem presumptuous to force the transfer to a certain percentage, it does

not show the correct picture of the unemployment situation in the various regions of the country, as the unemployment rate in one occupation may be lower than in another.

Furthermore, the majority is convinced that in the group of foreigners the new term in § 3, subsection 2 "særnlige omstillingmåslänge mässä" compared to the term "væsentlige omsællingsmæslen gæssä" in the applicable immigration law. Both concepts are related to the need to work in the country, but the outcome of the two cases can be different, because one of the applicants is from a 3rd country, and the other is from one EU country. A foreigner from a 3rd country, who seeks a work and residence permit after a valid immigration law, may after a more detailed assessment receive a negative answer, based on the fact that the person is not able to work, while an EU citizen will receive an affirmative answer, referring to the term "special "Employment considerations" for the person concerned is defined as a lack of employment, if the total unemployment in the country has not exceeded 3.5% for a continuous period of at least 3 consecutive months.

In the end, the majority questions the method of giving the law in relation to the percentage limit in question, and in particular how it should be done, if it is necessary to change the percentage limit. The committee has confirmed that there is no need to change the rules the interpretation, which is in the special comments, and it is pointless to talk about changes to the law in this connection, because the percentage limit is not set in the text of the law, but is discussed in the special comments to § 3, par. 2.

Meirilutn puts forward a fashion statement

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1) § 3, subsection 2 will be crossed out.

In this way, the Løgtingin recommends to approve the launch.

Minnilutin (Olga Biskopstø, John Johannessen and Mikkkjal Sørensen) accepts the opinion which insists that the free access to work from the EU is still there, when unemployment for 3 consecutive months has been more than 3.5%. Even though the unemployment rate can be estimated to be very low, when it is down to 3.5%, it is one proven fact that the unemployment rate in the weakest regions can be many times that high.

Therefore, the minority considers it necessary to be able to regulate the percentage, if special transactions make this necessary. This does not apply, however, after the existing shoot is approved, as the goal is discussed in the special notes. The national leader has already informed the committee that after an unsuccessful search, she is going to submit a proposal for a change to the parliament, which aims to provide her with the authority in an announcement to change the percentage target. The hat thinks the

minnilut is the only hosing human gong.

The memory of the axis, which is caused by the fact that we do not have a full discussion on these matters, can sometimes seem rushed and inconsequential. Then the minority is happy that the national government is starting the work to take over the discussion in these areas as well, so that a Faroese law can happen, which is good for the Faroese society and the political will of the country.

The National Committee, 15 May 2008

JacobVestergaard OlgaBiskopstø JohnJohannessen Chairman Deputy
Chairman

Poul Michelsen Marjus Dam Alfred Olsen Mikkjal Sørensen