



Application form

Application for pre-approval of Faroese employers to hire EU citizens

Uses

This form is to be used by Faroese employers requesting to be pre-approved to hire employees who are citizens of an EU member state.

As pre-approved employer you are permitted to hire employees who are citizens in an EU member state. However, such employees may not start working until the Danish Agency for International Recruitment and Integration has been notified.

Pre-approval is part of a special scheme for EU citizens applying for residence and work permit in the Faroe Islands. A permit will be granted when the unemployment in the Faroe Islands is below 3.5 percent. However, within the construction industry, residence and work permit is granted to individuals seeking employment as ordinary skilled-labour in a specific trade when unemployment is lower than 6 percent.

The scheme will be suspended if unemployment in the Faroe Islands exceeds 3.5 percent, or 6 percent in the construction industry, for three consecutive months.

Pre-approval is valid for one year from the date of approval. If you would like to retain your pre-approved status for longer than one year, you must apply for an extension.

Who is eligible for pre-approval?

To qualify for pre-approval, an employer must be:

- based in the Faroe Islands
- a party to a Faroese collective bargaining agreement
- registered with TAKS as liable to pay VAT according to the Faroese tax legislation.

As employer you may not be part of a legitimate labour market conflict.

Hiring as a pre-approved employer

As a pre-approved employer you are entitled to hire EU citizens for at least 30 hours of regular employment per week. The position must be covered by the collective bargaining agreement to which you are a party. The minimum salary must not be lower than the minimum wage received by members of a Faroese union holding a similar position.

You can also be pre-approved to employ specialists, researchers, educators and senior officials whose salary and employment terms are determined by an individual employment contract. You must apply for this separately in Section 4 below.

How to apply

1. Complete and sign this form following the instructions in the form
2. Include the necessary documents
3. Send the form to the Danish Agency for International Recruitment and Integration. You may also submit the form in person to the Faroese police (Landefogeden) or at the Danish Agency for International Recruitment and Integration's branch offices.

Which documents are required?

Please submit the following together with your application:

- Documentation that you are party to a Faroese collective bargaining agreement (copy of the documentation of membership of an employers' association or copy of a valid agreement indicating you are a party to a collective bargaining agreement). The documentation must state which collective bargaining agreement has been signed
- Documentation that the company is based in the Faroe Islands
- Documentation that the company is registered with TAKS as liable to pay VAT according to the Faroese tax legislation.

When can the employee start work?

Before an employee can start work:

- you must have received your pre-approval as an employer
- you and the applicant must jointly notify the Danish Agency for International Recruitment and Integration about the specific employment

Use the form FO/AR8 to jointly notify the Danish Agency for International Recruitment and Integration.

If the employee starts work before the Agency for International Recruitment and Integration is notified, the individual will be working illegally and both you as employer and the employee risk fine or imprisonment.

For more information

More information about the rules governing Faroese residence and work permits is available at newtodenmark.dk, where you can also find information about processing times. If you have questions when filling out the forms, you can also contact the Danish Agency for International Recruitment and Integration. You can find our contact information on newtodenmark.dk/contact-siri.



For official use only

Date received

Received by (stamp and name)

1. Information about the employer (company)

PLEASE COMPLETE IN CAPITAL LETTERS

Employer/Company name

Employer's V-number:

Employer's address (street and number)

Postcode and city

Municipality where the work is located

Contact

Telephone number

Email address

2. Information about the company's activities

What industry is the company involved in?

(Tick one box only)

Car sales, service and petrol stations

Construction

Retail trade and repair services excluding vehicles

Energy and water supply

Wholesale excluding vehicles

Financing and insurance

Fisheries

Associations, culture and refurbishment

Business services

Food, drinks and tobacco

Hotels and restaurants

Iron and metal

Chemicals and plastics

Agriculture, gardening and forestry

Furniture and other industries

Public administration

Postal services and telecommunications

Mining and quarrying

Social services

Stone, clay and glass

Healthcare sector

Textile and leather

Transport

Wood, paper and graphics

Rental and real estate

Education



3. Information about the terms of the collective bargaining agreement

PLEASE COMPLETE IN CAPITAL LETTERS

Is the employer/company party to a collective bargaining agreement? Yes No

If **yes**, please indicate which collective bargaining agreement(s) the employer/company is a party to through the membership of one or more employers' associations?

Is the employer/company a member of an employers' association? Yes No

If **yes**, state which association(s)? Please include documentation.

4. Pre-approval for employment of specialists, researchers, educators and senior officials

PLEASE COMPLETE IN CAPITAL LETTERS

Pre-approval for employment of specialists etc

If an employer meets the standard requirements for pre-approval (see "Who is eligible for pre-approval?", above), the company can also be granted pre-approval to hire specialists, researchers, educators, and senior officials whose salary and employment terms are determined by an individual employment contract.

Note: Pre-approval applies only to employment contracts for positions in the fields indicated below by the employer.

Specialists

'Specialist' is understood to mean: an employee with a specialist function, but who is not part of the top management. This includes engineers, architects, economists, lawyers, doctors, veterinarians, dentists, physiotherapists, nurses, journalists, technical advisers and legal advisers.

Researchers

'Researcher' is understood to mean: an employee who,

when employed at a university, institution of higher education or private company, conducts research. This includes: professors, visiting professors, associate professors, fellows, PhD researchers, heads of research, research staff, research assistants, researchers and scientists.

Educators

'Educator' is understood to mean: an employee who, when employed at a university or institute of higher education, teaches other individuals. This includes: professors, visiting professors, senior associate professors, associate professors, fellows, PhD students and teaching assistants.

Senior officials

'Senior official' is understood to mean: directors, managers and senior technical or administrative directors, sales managers, procurement managers, import managers, marketing managers, HR managers, senior engineers, chief engineers and senior architects.

Does the employer/company wish to apply for pre-approval to employ specialists, researchers, educators or senior officials? Yes No

If **yes**, please provide the following information:

Work function(s)

Job category (or categories)

5. Declarations

A. Sworn declaration of correctness

I solemnly swear that the information I have given in this application is correct and complete. If the information is found to be false or incomplete, I am subject to the following penalties:

- Fine or imprisonment of up to 4 month
- I can be required by law to repay the expenses incurred by the Danish state and the Faroese authorities as a consequence of the false or incomplete information.

B. Information about possible penalties for the employer if the employee is working illegally

If a foreign employee works illegally in the Faroe Islands (i.e. without the necessary permit, or not according to the terms of the permit) employers can be fined or imprisoned for up to a year.

C. Information about the requirement that you provide the necessary information

You can be required to provide the information necessary to decide whether the applicant can be granted a permit. If you do not provide this information, it may mean that the applicant will not be granted a permit.

D. Information on how we process your personal data as the contact person

SIRI is obliged to inform you how we process your data (if you are the contact person or own a one-person business) and to inform you of your rights in regard to how we process your data.

Data controller

SIRI is the data controller and responsible for processing the personal data given in this application form and the data provided about you during the processing of the case. You can contact the agency by writing to the following address: The Danish Agency for International Recruitment and Integration (SIRI), Carl Jacobsens Vej 39, PO box 304, 2300 Copenhagen S or through our contact form on newtodenmark.dk/SIRI-contactform.

Data protection officer

You can contact our data protection officer by writing to the aforementioned address (Att. Data protection officer) or by using our contact form at newtodenmark.dk/SIRI-contactform. You can read more about SIRI as data controller and about SIRI's data protection officer on newtodenmark.dk/personaldata.

Purpose and legal basis

The personal data you provide to SIRI is collected and used:

- to process this application for pre-approval of a Faroese employer to employ EU citizens
- verification

The legal basis for processing your personal data is:

- Decree of commencement for the Faroe Islands of the Danish Aliens Act (the Aliens Act) in particular chapter 1 on the entry and residence of aliens on the Faroe Islands.
- Act number 462 on the access of aliens to a residence permit in the Faroe Islands with a view to certain types of employment.
- The General Data Protection Regulation (GDPR), article 6.1 (c) (relating to the processing of data in order to comply with the legal obligation to which the controller is subject) and 6.1 (e) (relating to the exercise of official authority vested in the Danish Agency for International Recruitment and Integration by the Aliens Act).
- The General Data Protection Regulation (GDPR), article 9.2 (f) (relating to the necessity of processing in order to establish, exercise or defend legal claims).
- The Danish Data Protection Act section 8 (relating to the official authority only being allowed to process information about criminal offences if it is necessary for tasks of that official authority).

You can be required to provide the information necessary to decide whether the company can be granted a pre-approval.

The information you give or have given in connection with the application will be registered in the registers of Danish immigration authorities.

We process the following types of data about you

- General personal data, such as: information about your name, contact information and information about your position at the company

We can pass on your data to the following recipients

SIRI can pass on your information to others, and we for example pass on information to the police, the Faroese Authorities and the Ministry of Immigration and Integration.

SIRI shares data when it is necessary in order to exercise our official authority, including when we are legally obliged to share information.

What is the origin of the information we process about you?

The data that SIRI processes about you, have been provided by you in this application form. We will also process data you or the applicant may submit to the case later.

Storage of data

SIRI will store your personal data for as long as it is necessary in order to be able to carry out our tasks in relation to establishing or defending a legal claim to residence.

If the company applies for a residence permit for an alien, the information from the case regarding the pre-approval will possibly be taken into consideration in these cases.

Data submitted as part of an immigration related matter can be stored for use by the immigration authorities at a later date. This means that the data can enter into the decision making process regarding future applications for extension of a residence permit, when revoking a residence permit, for verification and spot checks, when deciding



whether a permit has lapsed, in relation to applications for permanent residency and for naturalization and in cases concerning any family members. In practice this means that SIRI will store your data for the period of the applicant's 'lifecycle' – i.e. his or her entire life.

Finally, it must be mentioned that data will be transferred to the Danish National Archives in accordance with the Danish Archives Act.

Your rights

Under the GDPR you have a number of rights in relation to our processing of data about you:

The right to know what kind of data we process about you

You have the right to ask what kind of data we are processing about you and be granted access to these data. If you request access to your data, your application will be processed in accordance with the GDPR's regulations governing right of access. If there are other regulations which provide you with greater access than the GDPR affords, your request for access will be processed in accordance with these regulations as well. These additional regulations may include those contained in the Public Administration Act that governs freedom of information requests.

The right to rectification (data correction) and the right to have your data erased

You have the right to request that corrections be made to personal data about you that you find inaccurate. In specific situations, you also have the right to have your data erased. As a rule, information can only be erased, if it is not necessary for processing your case as SIRI is obliged to record and register information in accordance with the Public Administration Act.

The right to restriction of processing

In some situations, you have the right to restrict the processing of your personal data. Where processing has been restricted, SIRI may thereafter, with the exception of storage, only process your data with your consent unless the purpose of the processing is to establish or defend a legal claim, to protect another person or for reasons of important public interest.

The right to object

In some situations, you have the right to object to otherwise legal processing of your personal data. This means that you can request that your data is erased, corrected or restricted.

You can read more about your rights in the Danish Data Protection Agency's guidelines about GDPR at datatilsynet.dk. If you would like make use of your rights under the GDPR, contact SIRI.

Complaints to the Data Protection Agency

You have the right to submit a complaint to the Data Protection Agency if you are dissatisfied with the way we process your personal data. Contact information for the Data Protection Agency is available at datatilsynet.dk.

E. Verification

The Danish Agency for International Recruitment and Integration may seek to verify the accuracy of the information you submit or have submitted in this application. This may happen while the application is being processed or after, if you are granted a pre-approval.

The verification may include contacting other authorities.

You may be asked to supply additional information as part of the verification process.

6. Signature – Employer

By signing below, I confirm that I have accepted the terms laid out in Sections 5 A-B.

Date and place

Signature

Did you remember everything?

If your application is correctly filled out and contains the required documents, The Danish Agency for International Recruitment and Integration can process your application faster.

It is therefore important that you make certain that you have completed the form correctly and included the necessary documents, before submitting your application.



We recommend that you use the checklist below before submitting your application.

Checklist

Before submitting your application, please make sure you have included the following:

- Documentation, in the form of proof of your membership of an employers' association, that you are party to a valid Faroese collective bargaining agreement
- Documentation that your company is based in the Faroe Islands
- Documentation that your company is registered with TAKS as liable to pay VAT according to the Faroese tax legislation.

It is also important that you have

- Answered all questions
- Signed and date the application in Section 6.

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Comments and forwarding endorsements

Enclosed:

- Documentation that the employer is a party to a valid Faroese collective bargaining agreement
- Documentation that the company is based in the Faroe Islands
- Documentation that the company is registered with TAKS as liable to pay VAT according to the Faroese tax legislation.
- Other

Comments

PLEASE REMEMBER TO COMPLETE 'FOR OFFICIAL USE ONLY' ON PAGE 2 OF THIS FORM