

regulation

dated December 16, 2008

on the admission and residence of foreigners (ZAV)

Based on Article 91 of the law of September 17, 2008 on foreigners (Foreigners Act; AuG), LGBl. 2008 No. 311 ¹, the government decrees:

I. Subject and definitions

Article 1

Object

This regulation regulates details regarding the admission and residence of foreigners, in particular:

- a) the approval requirements;
- b) the approval procedure;
- c) the regulation of the stay;
- d) family reunification;
- e) the termination of the stay.

Article 2

equality

The personal and functional designations used in this regulation include members of the male and female sexes.

Art. 2a ²*Registered partnership*

- 1) As long as a registered partnership lasts, it is treated the same as a marriage in this regulation.
- 2) The legal dissolution of a registered partnership is equivalent to a divorce.

Article 3

Employment (Art. 10 Para. 2 AuG)

- 1) Any activity for an employer based in Liechtenstein is considered to be employed.
- 2) The activity as:
 - a) temporary help;
 - b) learner;
 - c) intern;
 - d) volunteer;
 - e) athletes;
 - f) member of the order;
 - g) artist;
 - h) Au pair employee.

3) Self-employment is defined as carrying out an activity that falls within the scope of the Trade Act.

Article 4

Cross-border commuters (Art. 11 para. 5, 22 and 29 AuG)

Cross-border commuters are people living abroad who enter Liechtenstein to carry out an employed job and return to their place of residence abroad after each working day.

Article 5

Managers, specialists and other qualified employees (Art. 14 AuG)

1) Managers are persons who, as managing directors or senior executives, manage the company or one of its departments and are exclusively under the supervision of management members, the administration or the company's shareholders. As a rule, they are not directly involved in the provision of services by the company.

2) Specialists are highly qualified people who are indispensable to the employer within a company for the provision of a specific service due to their knowledge at an advanced level of experience.

3) Other qualified employees are people who have at least an apprenticeship qualification or a high school diploma and additional job-specific training (e.g. master's examination, technical college). At least four years of professional experience in accordance with the requirements profile is equivalent to additional job-specific training.

Article 6

Stable employment relationship that secures existence (Article 27 Paragraph 3 Letter c, Article 33 Paragraph 1 Letter e and Article 39 Paragraph 2 Letter a Number 1 AuG)³

1) An employment relationship is considered to have been established if the employment relationship has existed for at least three months, has existed for more than one year and has not been terminated. If the applicant has been granted a residence permit for gainful employment and the family members are traveling with him, proof of an employment relationship lasting more than one year and without termination is sufficient.

2) The employment relationship is considered to secure one's existence if sufficient income is generated so that personal living expenses and those of family members living in the same household can be financed without having to rely on social assistance.

3) An employment relationship is not considered to be stable and secure an existence if it was established as part of the staff leasing process.

4) When calculating whether the income earned from the employment relationship is sufficient to secure one's existence, the guidelines for basic material security in the Social Assistance Ordinance apply.⁴

Article 7

Sufficient financial resources (Art. 13 Para. 1 Letter f, 19 Para. 1 Letter d, 20 Para. 1 Letter d, 27 Para. 3 Letter c and 33 Para. 1 Letter e AuG)

The financial resources are considered sufficient if it is ensured that personal living expenses and those of family members living in the same household can be financed without recourse to social assistance.

Article 8

*Social assistance (Article 13 Paragraph 1 Letter f, 19 Paragraph 1 Letter d, 20 Paragraph 1 Letter d, 27 Paragraph 3 Letters c and e, 33 Paragraph 1 Letter e, 48 Paragraph 1 Letter e, 49 letter b and 54 paragraph 2 letter b AuG)*⁵

1) The following are considered social assistance:

- a) economic assistance according to the Social Assistance Act; and
- b) Advances on maintenance contributions in accordance with the Maintenance Advances Act.⁶

2) In the cases according to Articles 20 and 33 AuG, in addition to the benefits according to paragraph 1, supplementary benefits according to the ELG also count as social assistance.

Article 9

Appropriate housing (Articles 17, 19 paragraph 1 letter f, 20 paragraph 1 letter b and 33 paragraph 1 letter d AuG)

1) A needs-based apartment is considered to be accommodation that is customary in the area for residents and that complies with building, fire and health regulations.⁷

2) The apartment must offer enough space to accommodate all family members. It must have its own kitchen and bathroom. If several people who are not directly related to the applicant live in a building, the apartments must be structurally separated.^{8th}

3) Whoever has the legal authority to dispose of it as the owner, usufructuary or tenant (not a subtenant) has a needs-based apartment within the meaning of paragraphs 1 and 2.⁹

4) For foreigners who apply for a short-stay permit for training or further education, accommodation that complies with building, fire and health regulations is sufficient.

Article 10

Vocational training (Art. 36 Paragraph 2 Letter b AuG)

Basic vocational training in accordance with the Vocational Training Act is considered vocational training.

Yes. Cross-border services¹⁰

Art. 10a¹¹

Electronic reporting system (Art. 12 AuG)

Reporting a cross-border service in accordance with Article 12 AuG can be carried out using an electronic reporting system.

II. Approval requirements

A. Approval for a stay with gainful employment

Article 11

Wages and working conditions (Art. 15 AuG)

The local and occupational wage and working conditions are determined by the legal regulations, collective and standard employment contracts as well as the usual market wage and working conditions for the same work in the same industry. The results of statistical wage surveys must also be taken into account.

Article 12¹²

Priority for nationals (Art. 16 AuG)

Proof that no suitable employee could be found in the labor market that does not require a permit is deemed to have been provided if the application for a permit is accompanied by a corresponding written confirmation from the employment service (AMS FL).

B. Permit for a stay without gainful employment

Article 13

Training and further education (Art. 19 AuG)

1) The expected duration of the training and further education is considered to be known if the duration of the study can be seen from the submitted study plan.

2) A permit issued for training and further education does not entitle you to gainful employment.

3) The school management of the educational institution must confirm in writing that the language skills required for teaching are available.

4) Proof of sufficient financial resources can be provided by:

- a) a declaration of commitment and proof of income and assets from a solvent person residing in Liechtenstein; Foreigners must have a residence permit or a settlement permit; or
- b) a guarantee from a bank based in Liechtenstein that the applicant has sufficient financial resources.

5) Re-exit appears to be secured in particular if:

- a) there is a corresponding declaration of commitment from the applicant; and
- b) no previous procedures under immigration law or other circumstances indicate that permanent residence in Liechtenstein is sought.

Article 14

Persons of special interest (Art. 20 AuG)

Foreigners with significant cultural, scientific or economic standing can be granted a short-stay or residence permit to take up residence without employment.

Article 15

Serious personal hardship (Art. 21 AuG)

1) When issuing a short-stay permit or a residence permit based on a case of hardship, the following must be taken into account:

- a) the existence of a serious personal emergency;
- b) the chances of the most sustainable integration possible; and
- c) respect for the legal order.

2) The alleviation of economic hardship does not constitute the subject of a serious personal hardship case.

3) This article does not apply to family reunification.

Article 16

Important public interests (Art. 21 AuG)

Persons who can be granted a short-term stay or residence permit for important public interests are:

- a) Athletes from clubs that promote young talent;
- b) participants in a career development program implemented by a Liechtenstein organization;
- c) Au pair employees;
- d) victims and witnesses of crimes to carry out criminal prosecution;
- e) artist;
- f) Personnel for the Princely House;
- g) Interns from internationally active companies based in Germany for the purpose of scientific exchange or professional training.¹³

III. Approval process

Article 17

Discretion (Art. 68 AuG)

1) The granting authorities decide, within the framework of the legal regulations and contracts with foreign countries, at their discretion on the approval of residence and settlement. They must take the country's economic interests into account when making their decisions.

2) Arrangements such as the initiation of matrimonial or family law proceedings, the acquisition of property, the renting of an apartment, the conclusion of an employment contract, the establishment of a business or the participation in a business have no influence on the exercise of discretion in the approval process.

Art. 18¹⁴

Authorization to practice the profession

Trade licenses, health permits and similar permits for foreigners to practice a profession do not replace the necessary permit under immigration law to pursue gainful employment. If the immigration law permit is not yet available, practicing the profession is not permitted.

Article 19

Documents and evidence (Art. 23 AuG)

1) At the same time as the application for a permit, the following original documents and evidence must be submitted:

- a) valid passport;
- b) birth certificate;
- c) current passport photo;
- d) Proof of legal authority to dispose of a suitable apartment, in particular rental agreements (including preliminary agreements) or land register extracts;
- e) Proof of legally required health insurance coverage that covers all risks in Liechtenstein, in particular through an appropriate insurance policy or confirmation of health insurance;
- f) Proof of sufficient financial resources for subsistence, in particular wage confirmations, employment contracts, preliminary employment contracts, confirmations of pension, pension or other insurance benefits, proof of sufficient assets or a guarantee from a bank based in Liechtenstein as well as proof of all financial liabilities, in particular credit, leasing and loan debts, maintenance obligations and tax debts; and ¹⁵
- g) if necessary, marriage certificate, proof of divorce, proof of adoption or foster care (Art. 25 Para. 2) and death certificate. ¹⁶

2) If the foreigner cites the evidence in accordance with paragraph 1 lett. d, e and f refer to services provided by an obligated third party, proof of this service from the third party must be included.

3) Submission of the documents and evidence in accordance with paragraphs 1 and 2 can also be required if the permit is extended.

4) The immigration and passport office may require documents and evidence that are not written in German to be presented in a certified German translation.

5) An official form must be used for applications in accordance with paragraphs 1 and 3. ¹⁷

Article 20

Entry permit (Art. 7 para. 3 and 24 AuG)

1) If an application for a short-term stay or residence permit or an application for the re-issuance of the settlement permit is granted, the foreigner receives an assurance of the permit in accordance with Art. 7 Para. 3 AuG. ¹⁸

2) If the foreigner requires a visa, an authorization to issue a visa will be issued.

IV. Regulation of residence

Approval in letter form (Art. 24a AuG) ¹⁹

Art. 20a ²⁰

a) Principle

- 1) The application for approval in letter form must be submitted by the employer.
- 2) There is no entitlement to the granting of a permit.
- 3) The immigration and passport office can request proof of overnight stays in Germany.
- 4) An extension of the permit is possible.

Art. 20b ²¹

b) Special cases

1) In exceptional cases, a permit in letter form can also be issued if a foreign person:

- a) does not return to their place of residence for professional reasons for more than 45 working days after the end of work within a calendar year; and
- b) at least some of the overnight stays take place within Germany; However, the number of overnight stays in Germany may not exceed half of the working days within a calendar year.

2) As professional reasons within the meaning of paragraph 1 lett. a apply in particular:

- a) the employee staying overnight in a hotel or in a second home near the place of work, especially in cases of high workload in which normal working hours are significantly exceeded;
- b) Overnight stay of the employee with on-call duty (on-call duty) near the place of work, if availability would not be guaranteed if he stayed overnight at his place of residence;
- c) Overnight accommodation for the employee during further training stays if the employer covers the accommodation costs.

Article 21

Short-term residence permit (Art. 25 AuG)

1) When assessing whether a one-off extension can be made within the meaning of Art. 25 Para. 3 AuG, only the needs of the foreigner's employer are taken into account. Extraordinary needs exist in particular if the personnel shortage was not foreseeable and:

- a) an employee who is supposed to replace the departing employee is unable to take up the position at short notice;
- b) unexpected events at the employer require the extension; or
- c) there are economic interests.

2) If an application for an extension of the short-stay permit has been submitted in accordance with Art. 25 Para. 3 AuG, the approval decision must be awaited abroad unless a different decision has been made.

3) A change of job for people with a short-stay permit can be approved within the same industry and the same profession if further employment with the previous employer is not possible or unreasonable and the change of job is not due to the employee's behavior.

Article 22

Residence permit (Art. 26 AuG)

1) The validity of the residence permit is usually one year.

2) The duration of the residence permit depends on the purpose of the stay; In the event of an extension of the residence permit, the foreigner's previous behavior must also be taken into account.

3) If an application for an extension of the residence permit has been submitted, the person concerned may stay in Liechtenstein during the procedure, unless a different decision has been made.

Article 23

Settlement permit (Art. 27 AuG)

1) Proof of sufficient integration in accordance with Art. 27 Paragraph 3 Letter. b AuG is deemed to have been provided if the applicant:

- a) presents a certificate confirming that the civics examination has been passed in accordance with Article 14 of the Foreigners Integration Ordinance; and
- b) evidence of achievement of language level A2 of the Common European Framework of Reference for Languages through recognized language diplomas.

2) Articles 8 and 11 of the Foreigners Integration Ordinance remain reserved.

Article 24²²

Residence or cross-border commuter pass (Art. 31 AuG)

1) Residence cards are issued as cards and must contain the following information about the foreigner:

- a) Surname and first name;
- b) gender;
- c) date and place of birth;
- d) nationality;
- e) Photograph in passport size, which must not be older than six months; and
- f) Signature.

2) Residence cards must also contain the following data:

- a) Type of approval;
- b) Duration of validity, in the case of settlement permits the control period;
- c) Comment fields;
- d) entry date;
- e) date, place and authority of issue; and
- f) current PEID and serial number.

3) The data according to paragraph 1 let. a to d (without place of birth) and paragraph 2 let. a, b and f are also included in machine-readable form on the residence card.

Art. 24a ²³

Biometric residence card (Art. 31 Para. 4a AuG)

1) The biometric residence card is issued in accordance with Council Regulation (EC) No. 1030/2002 of June 13, 2002 on the uniform format of residence permits for third-country nationals (OJ L 157 of June 15, 2002, p. 1) , in which current version, issued in ID-1 format.

2) In addition to the data provided for in Regulation (EC) No. 1030/2002, the biometric residence card also contains the PEID number and other information about the right of residence in the comments fields.

Art. 24b ²⁴

Group of people with a biometric residence card (Art. 31 Para. 5 Letter b AuG)

1) A biometric residence card is issued to people with:

- a) a short-term residence permit (L permit with a validity of more than three months);
- b) an annual residence permit (permit B); or
- c) a settlement permit (permit C).

2) The data according to Art. 24 Paragraph 1 Letter. a to d (without place of birth) and paragraph 2 let. a, b and f are also included in machine-readable form on the biometric residence card. ²⁵

Art. 24c ²⁶

Creation of the facial image and recording of fingerprints (Art. 71 para. 2 letters a and b and Art. 71a para. 3 AuG)

1) The immigration and passport office creates a digital facial image from the photograph submitted by the applicant.

2) The applicant must appear in person at the immigration and passport office counter to have their fingerprints taken. People who suffer from severe physical or mental illnesses are exempt from this, provided their identity has been clearly established and the necessary data can be obtained by other means.

3) Before the fingerprints are taken, the applicant's identity is verified using the original, valid passport.

4) Two fingerprints of the applicant are recorded in the form of the flat print of the left and right index finger. If an index finger is missing, the quality of the fingerprint is insufficient or the fingertip is injured, the flat print is recorded first in the order of middle finger, ring finger and thumb. If the fingerprints of one hand cannot be captured, two fingerprints of the other hand are captured.

5) Fingerprints are recorded from the age of six.

6) The digital facial image is created from birth.

Art. 24d ²⁷

Technical requirements for safety (Article 31a paragraph 1 and Article 71 paragraph 2 letter c AuG)

The technical requirements for the security of the biometric residence card are based on Regulation (EC) No. 1030/2002, in the current version.

Art. 24e²⁸

Lifted

V. Family reunification

Article 25

Principle (Art. 32 AuG)

1) The applicant and the family members who were granted a residence permit as part of family reunification may not establish separate residences.

2) The existence of an adoption or foster care relationship must be proven by a domestic court order or a domestically recognized court order.

Article 26

Previous knowledge of the German language (Art. 33 Para. 1 Letter c AuG)

1) Proof that the spouse living abroad has a basic knowledge of the German language is deemed to have been provided if it is certified that knowledge of the German language is available at language level A1 of the Common European Framework of Reference for Languages.

2) This can be proven by:

- a) a recognized language diploma which proves the achievement of language level A1 of the Common European Framework of Reference for Languages; or
- b) a certificate stating that you have attended a compulsory school in a German-speaking country for at least three years and have successfully completed the subject "German".

3) Basic knowledge of the German language in accordance with paragraph 1 can also be proven by a personal visit to the immigration and passport office or an authorized foreign mission.

Article 27

Consequences of the dissolution of the marital union (Art. 39 Para. 2 AuG)

The existence of marital violence within the meaning of Article 39 Paragraph 2 Letter. b No. 2 AuG can be proven in particular by: ²⁹

- a) medical certificates;
- b) police reports;
- c) witness statements; or
- d) relevant criminal convictions.

VI. Termination of stay

Article 28

Violation of the applicable regulations (Art. 48 Para. 1 Letter c AuG)

A violation of the applicable regulations occurs:

- a) if legal regulations and official orders are ignored; or

b) in the event of willful non-fulfillment of public or private law obligations.

Art. 28a³⁰

Danger of going into hiding (Article 52b paragraph 3 letter b, Article 59 paragraph 1 letter b number 3 and Article 59a paragraph 1 AuG)

Concrete signs that give rise to fears that the person concerned wants to evade the removal or expulsion are particularly present if they:

- a) disregards orders from the authorities in the removal, expulsion or asylum procedure, in particular by refusing to disclose their identity and thereby failing to comply with their obligation to cooperate or repeatedly failing to comply with a summons without sufficient reasons;
- b) its behavior in Liechtenstein or abroad indicates that it is defying official orders;
- c) submits multiple asylum applications under different identities;
- d) has disregarded an entry ban;
- e) is unlawfully staying in Liechtenstein, submits an application for asylum and thus obviously aims to avoid the threat of removal or expulsion.
- f) seriously threatens people or puts them in significant danger of life and limb and is therefore being prosecuted or has been convicted as a result;
- g) has been convicted of a crime; or
- h) denies to the competent authority that he or she holds or has held a residence permit or visa in a Dublin state or has submitted an application for asylum.

Article 29

Violation of public safety and order (Art. 53 Paragraph 1 Letter b AuG)

1) Anyone who:

- a) commits a crime against peace, a war crime or a crime against humanity;
- b) publicly condones or promotes terrorist acts; or
- c) incites hatred against parts of the population.

2) A threat to public security and order exists if there are concrete indications that the person concerned's stay in Liechtenstein is very likely to result in a violation of public security and order.

Article 30

*Temporary or complete lifting of the entry ban (Art. 54 Para. 5 AuG)*³¹

1) Important reasons within the meaning of Article 54 Para. 5 AuG are in particular:³²

- a) Wedding or death of family members;
- b) Birth of one's own child.

1a) A humanitarian reason within the meaning of Article 54 Para. 5 AuG exists in particular if the foreigner has become a victim of human trafficking.³³

2) The application for a temporary or complete lifting of the entry ban must be submitted to the immigration and passport office.³⁴

3) A complaint against the rejection of the request to lift the entry ban has no suspensive effect.

Art. 30a ³⁵

Abusive asylum application (Article 58 letter c and Article 59 paragraph 1 letter b number 8 AuG)

In particular, it is assumed that by submitting an asylum application, a person obviously intends to avoid the threat of removal or expulsion if:

- a) earlier submission of the application was possible and reasonable; and
- b) the application is submitted in close connection with an arrest, criminal proceedings, the execution of a sentence or the issuance of a removal or expulsion decision.

VII. Final provision

Article 31

Come into effect

This regulation comes into force on January 1, 2009.

Princely government:

signed *Otmar Hasler*

Princely head of government

Transitional provisions

152.201 Ordinance on the admission and residence of foreigners (ZAV)

Liechtenstein State Law Gazette

Vintage 2011 No. 502 issued on November 18, 2011

regulation

dated November 15, 2011

concerning the amendment of the regulation on the admission and residence of foreigners

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II.

Transitional provisions

Residence cards issued before this regulation comes into force remain valid until the expiry of their validity period or the control period.

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Liechtenstein State Law Gazette

Vintage 2023 No. 459 issued on December 8, 2023

regulation

from December 4, 2023

concerning the amendment of the regulation on the admission and residence of foreigners

...

II. Transitional provision

The new law will apply to proceedings pending at the time of entry into force ^{of}
this regulation.

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1 LR 152.20

2 Art. 2a inserted by LGBI. 2011 No. 403 .

3 Art. 6 Subject heading amended by LGBI. 2018 No. 28 .

4 Art. 6 Paragraph 4 amended by LGBI. 2020 No. 462 .

5 Art. 8 subject heading amended by LGBI. 2011 No. 502 .

6 Art. 8 Para. 1 amended by LGBI. 2011 No. 502 .

7 Art. 9 Para. 1 amended by LGBI. 2011 No. 502 .

8 Art. 9 Para. 2 amended by LGBI. 2011 No. 502 .

9 Art. 9 Para. 3 amended by LGBI. 2011 No. 502 .

10 Heading before Art. 10a inserted by LGBI. 2016 No. 393 .

11 Art. 10a inserted by LGBI. 2016 No. 393 .

12 Art. 12 amended by LGBI. 2011 No. 502 .

13 Art. 16 let. g inserted by LGBI. 2011 No. 502 .

14 Art. 18 amended by LGBI. 2020 No. 469 .

15 Art. 19 Para. 1 Letter. f amended by LGBI. 2011 No. 502 .

16 Art. 19 para. 1 let. g amended by LGBI. 2011 No. 502 .

17 Art. 19 paragraph 5 inserted by LGBI. 2011 No. 502 .

18 Art. 20 paragraph 1 amended by LGBI. 2018 No. 28 .

19 Subject heading before Art. 20a inserted by LGBI. 2018 No. 28 .

20 Art. 20a inserted by LGBI. 2018 No. 28 .

21 Art. 20b inserted by LGBI. 2018 No. 28 .

22 Art. 24 amended by LGBI. 2023 No. 459 .

23 Art. 24a amended by LGBI. 2011 No. 502 . Came into force on December 19, 2011 (LGBI. 2011 No. 563).

24 Art. 24b inserted by LGBI. 2011 No. 502 . Came into force on December 19, 2011 (LGBI. 2011 No. 563).

25 Art. 24b paragraph 2 inserted by LGBI. 2023 No. 459 .

26 Art. 24c inserted by LGBI. 2011 No. 502 . Came into force on December 19, 2011 (LGBI. 2011 No. 563).

27 Art. 24d inserted by LGBI. 2011 No. 502 . Came into force on December 19, 2011 (LGBI. 2011 No. 563).

28 Art. 24e repealed by LGBI. 2023 No. 459 .

29 Art. 27 introductory sentence amended by LGBI. 2018 No. 28 .

30 Art. 28a amended by LGBI. 2018 No. 28 .

31 Art. 30 subject heading amended by LGBI. 2011 No. 502 .

32 Art. 30 paragraph 1 introductory sentence amended by LGBI. 2011 No. 502 .

33 Art. 30 paragraph 1a inserted by LGBI. 2018 No. 28 .

34 Art. 30 paragraph 2 amended by LGBI. 2011 No. 502 .

35 Art. 30a inserted by LGBI. 2018 No. 28 .

36 Entry into force: January 1, 2024.